KA / BG-GPO/2515/WPP-47/2006-2008



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೧	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಜೂನ್ ೨೨, ೨೦೦೬ (ಆಷಾಢ ೧, ಶಕ ವರ್ಷ ೧೯೨೮)	ಸಂಚಿಕೆ ೨೫

ಭಾಗ – ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 50 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 25/27ನೇ ಮೇ 2006

2006ನೇ ಸಾಲಿನ ಫೆಬ್ರವರಿ 10ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR 54 (E) [Notification No. F.No.1(7)/2005-EPZ, ದಿನಾಂಕ: 10.2.2006 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

NOTIFICATION

New Delhi, the 10th February, 2006

G.S.R.54(E).- In exercise of the powers conferred by section 55 of the Special Economic Zones Act, 2005 (28 of 2005), the Central Government hereby makes the following rules, namely:-

CHAPTER - I

PRELIMINARY

1. **Short title and commencement.-** (1) These rules may be called the Special Economic Zones Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.-** (1) In these rules, unless the context otherwise requires.-

(a) ``Act" means the Special Economic Zones Act, 2005 (28 of 2005) ;

(b) ``Advance Licence" means an Advance Licence issued under Duty Exemption and remission Scheme of the Foreign Trade Policy.

(c) ``Authorised Officer" means an Inspector or Preventive Officer or Appraiser or Superintendent of Customs posted in the Special Economic Zone and authorised by the Specified Officer to discharge any of his functions under these rules ;

(d) " To Technology Park unit" means a unit approved under the Bio-Technology Park Scheme of the Foreign Trade Policy;

(e) "capital goods" means any plant, machinery, equipment or accessories required for manufacture or production, either directly or indirectly, of goods or for rendering servces, or for development of Special Economic Zone, including those required for, construction, replacement, modernization, technological upgradation or expension and also include material handing equipment, packaging machinery and equipments, refractories for initial lining, refrigeration equipment, power generatings sets, machine tools, equipment and instruments for testing, research and development, quality and pollution control system, for use in manufacturing, construction, mining, agriculture, aquaculture, animal husbandry, floriculture, horticulture, pisciculture, poultry, sericulture and viticulture, and in the services sector;

(f) component" means one of the parts of a sub-assembly or assembly of which a manufactured product is made up and into which it may be resolved and includes an accessory or attachment to the component;

(g) "consumable" means any item, (including fuels, high speed diesel oil, light diesel oil and other such petroleum products) which is required for a manufacturing process, which may or may not be substantially or totally consumed during a manufacturing process but does not necessarily from part of the end product;

(h) "custodian" means any person referred to in section 45 of the Customs Act, 1962 ;

(i) "Customs Act" means the Customes Act, 1962 (52 of 1962);

(j) "drawback" means drawback referred to in the Customes Act, 1962 ;

(k) "Duty Entitlement Pass Book Scheme" means the Duty Exemption Pass Book Scheme framed under the Foreign Trade Policy;

(l) "Duty Free Replenishment Certificate" means Duty Free Replenishment Certificate issued under the Foreign Trade Policy;

(m) "Electronic Hardware Technology Park unit" means a unit approved in accordance with the Electronic Hardware Technology Park Scheme framed under the Foreign Trade Policy;

(n) "Export Oriented Unit" means a unit approved in accordance with the Export Oriented Unit Scheme framed under the Foreign Trade Policy;

(o) "Foreign Trade Policy" means the Foreign Trade Policy notified from time to time by the Central Government under section 5 of the Foreign Trade (Development and Regulation) Act 1992 (22 of 1992);

(p) "Form" means the form appended to these rules;

(q) "Handbook" means the Handbook of Procedures framed under the Foreign Trade Policy;

(r) "Import Trade Control (Harmonized System) Classifications of Export and Import Items" means the items notified from time to time by the Central Government under section 5 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992);

(s) "infrastructure" means facilities needed for development, operation and maintenance of a Special Economic Zone and includes industrial, business and social amenities like development of land, roads, buildings, sewerage and effluent treatment facilities, solid waste management facilities, port, including jetties, single point moorings, storage tanks and interconnecting pipelines for liquids and gases, Inland Container Depot or Container Freight Station, warehouses, airports, railways, transport system, generation and distribution of power, gas and other forms of energy, telecommunication, data transmission network, information technology network, hospitals, hotels, educational institutions, leisure, recreational and entertainment facilities, residential and business complex, Water supply, including desalination plant, sanitation facility;

(t) "Nominated Agency" means:-

a) the MMTC Ltd, being a company registered under the Companies Act, 1956 (1 of 1956);
b) the Handicraft and Handloom Export Corporation Limited, being the company registered under the Companies Act, 1956 (1 of 1956);
c) the State Trading Corporation of India Limited, being the company registered under the Companies Act, 1956 (1 of 1956);
d) the Projects and Equipment Corporation of India Limited being the company registered under the Companies Act, 1956 (1 of 1956); and
e) any other agency authorized by the Reserve Bank of India;

(u) "raw material" means:-

(a) basic materials which are needed for the manufacture of goods, but which are still in a raw, natural, unrefined or un-manufactured state; and

(b) any materials or goods which are required for the manufacturing process (including, catalysts for initial charge), packing material, whether they have actually been previously manufactured or are processed or are still in a raw or natural state;

(v) "Replenishment Licence" means the Replenishment Licence issued under the Foreign Trade Policy;

(w) "Section" means the section of the Act;

(x) "Sector" means one or more products or one or more services falling under a category such as engineering, textiles and garments, pharmaceuticals and chemicals, handicrafts, gem and jewellery, electronics hardware and software, including information technology enabled services anf bio-technology;

(y) "Software Technology Park unit" means a unit approved under the Software Technology Parks Scheme of the Foreign Trade Policy;

(z) "spares" means a part or a sub-assembly or assembly for substitution, that is ready to replace an identical or similar part or sub-assembly or assembly and includes a component or an accessory;

(za) "Special Economic Zone for multi-product" means a Special Economic Zone where Units may be set up for manufacture of two or more goods in a sector or goods falling in two or more sectors or for trading and warehousing or rendering of two or more services in a sector or rendering of services falling in two or more sectors;

(zb) "Special Economic Zone for specific sector" means a Special Economic Zone meant exclusively for one or more products in a sector or one or more services in a sector;

(zc) "Special Economic Zone in a port or airport" means a Special Economic zone in an existing port or airport for manufacture of goods in two or more goods in a sector or goods falling in two or more sectors or for trading and warehousing or rendering of services;

(zd) "Specified Officer" in relation to a Special Economic Zone means Joint or Deputy or Assistant Commissioner of Customs for the time being posted in the Special Economic Zone;

(ze) "status holder" means an exporter recognized under the Foreign Trade Policy;

(2) All other words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER-II

PROCEDURE FOR ESTABLISHMENT OF SPECIAL ECONOMIC ZONE

3. Proposal for setting up of Special Economic Zone.- Every proposal under sub sections (2) to (4) of section 3 shall be made in Form-A.

4. Forwarding of proposal to Board.- (1) The State Government shall forward the proposals received under sub-sections (2) and (4) of section 3 to the Board of Approval (Deputy Secretary, Ministry of Commerce and Industry, Department of Commerce, Udyog Bhavan, New Delhi- 110011) along with its recommendations, within forty-five days of receipt of such proposal:

Provided that where the Board approves a proposal received under sub-section (3) of section 3, the person shall obtain concurrence of the State Government within six months from the date of such approval.

(2) While forwarding a proposal under sub-rule (1), the State Government shall ensure that the requirements under rule 5 have been complied with and shall attach copies of relevant notifications issued by it in this regard.

5. Requirements for establishment of a Special Economic Zone.- (1) The Board may approve as such or modify and approve a proposal for establishment of a Special Economic Zone, in accordance with the provisions of sub-section (8) of section 3, subject to the requirements of minimum area of land and other terms and conditions indicated in sub-rule (2)

(2) The requirements of minimum area of land for a class or classes of Special Economic Zone in terms of sub-section (8) of section 3 shall be the following, namely:-

(a) A Special Economic Zone for multi product shall have a contiguous area of one thousand hectares or more:

Provided that such Special Economic Zone established exclusively for services may have a contiguous area of one hundred hectares or more:

Provided further that in case a Special Economic Zone is proposed to be set up in Assam, Meghalaya, Nagaland, Arunachal Pradesh, Mizoram, Manipur, Tripura, Himachal Pradesh, Uttaranchal, Sikkim, Jammu and Kashmir, Goa or in a Union territory, the area shall be two hundred hectares or more:

Provided also that at least twenty five per cent. of the area shall be earmarked for developing processing area:

Provided also that the fulfillment of the requirement of the contiguous area shall be considered and decided by the board on a case to case basis on merits;

(b) A Special Economic Zone for a specific sector or in port or airport, shall have a contiguous area of one hundred hectares or more;

Provided that in case a Special Economic Zone is proposed to be set up exclusively for electronics hardware and software, including information technology enabled services, the area shall be ten hectares or more with a minimum built up processing area of one lakh square meters:

Provided further that in case a Special Economic Zone is proposed to be set up exclusively for bio-technology, non-conventional energy, including solar energy equipments/cell, or gem and jewellery sectors, the area shall be ten hectares or more:

Provided also that in case a Special Economic Zone for a specific sector is proposed to be set up in Assam, Meghalaya, Nagaland, Arunachal Pradesh, Mizoram, Manipur, Tripura, Himachal Pradesh, Uttaranchal, Sikkim, Jammu and Kashmir, Goa or in a Union territory, the area shall be fifty hectares or more for the Special Economic Zones not covered under the first and second proviso:

Provided also that at least fifiy per cent of the area shall be earmarked for developing processing area;

(c) Special Economic Zone for Free Trade and Ware housing shall have an area of forty hectares or more with a built up area of not less than one lakh square meters:

Provided that a Free Trade and Warehousing Zones may also be set up as part of a Special Economic Zone for multi-products:

Provided further that in a Special Economic Zone for a specific sector, Free Trade and Warehousing Zone may be permitted with no minimum area requirement but subject to the condition that the maximum area of such Free Trade and Warehousing Zone shall not exceed twenty per cent. of the processing area.

(3) the requirements of the minimum area of land for the Special Economic Zones,-

(a) which had been, before the commencement of these rules ,-

(i) recommended by the Board of Approval constituted by the notification of the Government of India, in the Ministry of Commerce and Industry (Department of Commerce) Number 14/1/2001-EPZ dated the 7th August, 2001; and

(ii) approved by the Central Government ;

(b) which had acquired or taken possession of the land required for setting up of the Special Economic Zones before the commencement of these rules ; and

(c) which are situated in any of the States mentioned under column (2) of the Annexure II to these rules,

shall, for each sector under column (3) of the Annexure II, be such as mentioned in the corresponding entries under column (4) against each such sector situated in the State mentioned under column (2) of the said Annexure II.

(4) The Developer or Co-Developer shall have at least twenty-six percent of the equity in the entity proposing to create business, residential or recreational facilities in a Special Economic Zone in case such development is proposed to be carried out through a separate entity or a special purpose vehicle being a company formed and registered under the Companies Act, 1956 (1 of 1956).

(5) Before recommending any proposal for setting up of a Special Economic Zone, the Stete Government shall endeavor that the following are made available in the State to the proposed Special Economic Zone Units and Developer, namely :-

(a) exemption from the Stete and local taxes, levies and duties, including stamp duty, and taxes levied by local bodies on goods required for authorized operations by a Unit or Developer, and the goods sold by a Unit in the Domestic Tariff Area except the goods procured from domestic tariff area and sold as it is;

(b) exemption from electricity duty or taxes on sale, of self generated or purchased electric power for use in the processing area of a Special Economic Zone;

(c) allow generation, transmission and distribution of power within a Special Economic Zone subject to the provisions of the Electricity Act, 2003 (No. 36 of 2003);

(d) providing water, electricity and such other services, as may be required by the developer be provided or caused to be provided;

(e) Delegation of power to the Development Commissioner under the Industrial Disputes Act, 1947 (No. 14 of 1947) and other related Acts in relation to the Unit;

(f) Delegation of power to the Development Commissioner under the Industrial Disputes Act. 1947 (No. 14 of 1947) in relation to the workmen employed by the developer.

(g) Declaration of the Special Economic Zone as a Public Utility Service under the Indutrial Disputes Act, 1947 (No. 14 of 1947);

(h) Providing single point clearance system to the Developer and unit under the State Acts and rules;

(6) The State Government shall, while recommending a proposal for setting up of Special Economic Zone to the Board indicate whether the proposed area falls under reserved or ecologically fragile area as may be specified by the concerned authority.

6. **Letter of Approval to the Developer.-** (1) The Central Government shall, within thirty days of the communication received by it under sub-section (10) of section 3 grant a letter of approval in Form B to the person or the state Government concerned or in Form C,if the approval is for providing infrastructural facilities in the Special Economic Zone, incorporating additional conditions, if any, specified by the Board while approving the proposal.

(2) The letter of approval of a Developer granted under sub-rule (1) shall be valld for a period of three years within which time, effective steps shall be taken by the Developer to implement the approved proposal :

Provided that the Board may, if it is satisfied, extend the validity period for a further period not exceeding two years upon a request made in writing by the Developer or Co-developer.

7. **Details to be furnished for issue of notification for declaration of an area as Special Economic Zone.-** (1) The Developer shall furnish to the Central Government, particulars required under sub-section (1) of section 4 with regard to the area referred to in sub-section (2) or sub-section (4) of section 3, (hereinafter referred to as indentified area), with proof of legal right and possession and a certificate from the State Government or the State Government or the authorized agency that the said area is free from all encumbrances:

Provided that where the Developer has leasehold right over the identified area, the lease shall be for a period not less than twenty years.

(2) The identified area shall be contiguous and vacant and it shall have no public thoroughfare subject to third proviso to clause (a) of sub-rule (2) of rule 5.

8. **Notification of Special Economic Zone.-** After thesubmission of details as required under rule 7 and other details, if any, required by the Central Government and on acceptance of the conditions specified in the etter of Approval, the Central Government shall notify the identified area as a Special Economic Zone under subsection (1) of section 4, if the area proposed for notification is not less than the minimum area prescribed under rule 5.

9. **Grant of Approval for Authorized Operations.-** The Developer shall submit to the Board the details of operations proposed to be undertaken in the Special Economic Zone for obtaining authorization under sub-section (2) of section 4 at the time of seeking approval for setting up of Special Economic Zone or thereafter:

Provided that exemptions, drawbacks and concessions shall be available for the authorized operations as per the procedure specified in rule 12 after the Special Economic Zone had been notified under rule 8:

Provided further that the Developer of an existing Special Economic Zone shall submit to the Board the details of operations proposed to be undertaken in the Special Economic Zone for the purpose of availing exemptions, drawbacks and concessions.

10. **Permission for procurement of items.-** The Approval Committee may permit goods and services to carry on the operations authorized under rule 9:

Provided that for Special Economic Zones set up by the Central Government, the goods and services required for the authorized operations may be approved by the Board:

Provided further that exemptions, drawbacks and concessions on the goods and services allowed to a Developer or Co-developer, as the case may be, shall also be available to the contractors appointed by such Developer or Co-developer and all the documents in such cases shall bear the name of the Developer or Co-developer alongwith the contractor and these shall be filed jointly in the name of the Developer or Co-developer and the contractor:

Provided also that the Developer or Co-developer, as the case may be, shall be responsible and liable for proper utilization of such goods in all cases.

11. Processing and non-processing area.- (1) The Development Commissioner of the concerned Special Economic Zone under the provisions of section 6.

(2) The processing area and Free Trade and Warehousing Zone shall be fully secured by boundary wall or wire mesh fencing having a height of at least two meters and forty centimeters above plinth level with top sixty centimeters being barbed wire fencing with mild steel angle with specified entry and exit points.

(3) The Development Commissioner shall ensure compliance of the requirements of sub-rule (2)

(4) The authorized persons shall only be allowed to enter the processing area of a Special Economic Zone.

(5) The land or built up space in the processing area or Free Trade and Warehousing Zone shall be given on lease only to the entrepreneurs holding a valid Letter of Approval issued under rule 19 and the lease period shall be co-terminus with the validity of the Letter of Approval :

Provided that the Developer may, with the prior approval of the Approval Committee, grant on lease land or built up space, for creating facilities such as canteen, public telephone booths, first aid centres, creche and such other facilite as may be required for the exclusive use of the Unit.

(6) The developer holding land on lease basis shall assign lease hold right to the entrepreneur holding valid letter of Approval.

(7) Any transfer by way of sub-lease or any other mode by the Developer shall be valid only if the same is made to a person holding a valid letter of approval issued by the Development Commissioner.

(8) The Developer may allot land in the processing area on lease basis to a persondesiring to create infrastructure facilities for use by the prospective Units.

(9) The Developer shall not sell the land in a Special Economic Zone.

(10) The Developer may allot the land in the non-processing area for business and social purposes such as educational institutions, hospitals, hotels, recreation and entertainment facilities, residential and business complexes:

Provided that infrastructure for business or social purposes in the Special Economic Zone, as may be approved by the Board, shall be eligible for exemptions, concessions and drawback.

(11) The Special Economic Zone shall be deemed to be a port, airport, inland container depot, land customs station under section 7 of the Customs Act in accordance with the provisions of section 53 from the date notified in this behalf:

Provided that Specified Officer may designate any area or area(s) in the Special Economic Zone as an area for loading and unloading of import or export cargo:

Provided further that in case the said port, airport, inland container depot, land customs station area is to be used for loading and unloading of import or export cargo meant for Domestic Tariff Area importers and exporters also, storage for such cargo shall be in a separate enclosure and deliveries for such cargo shall be allowed by the Authorized Officer of the Special Economic Zone based on bill of Entry, assessed by the Assistant or Deputy Commissioner of Customs having jurisdiction over the said Customs Station.

12. Import and procurement of goods by the Developer.- (1) The developer may import or procure goods from the Domestic Tariff Area, without payment of duty, taxes and cess for the authorized operations, subject to the provisions contained in sub-rule (2) to(8).

(2) The Developer shall make an application, after obtaining approval for the authorized operation under rule 9 to Development Commissioner along with the list of goods and services, including machinery, equipments and construction materials required for the authorized operations, duly certified by a Chartered Engineer for approval by the Approval Committee.

(3) The Developer shall declare the place of storage of goods within the Special Economic Zone to the Specified Officer:

Provided that in case the storage is outside the processing area but within the Special Economic Zone, such storage shall comply with such safeguards as may be necessary for the purpose and approved by the Specified Officer.

(4) The goods imported or procured from the Domestic Tariff Area by the Developer for authorized operations shall be kept in a clearly demarcated area for inspection by the authorized officer before such goods are brought into use.

(5) The Developer shall execute a Bond-cum-Legal Undertaking in Form D, jointly with the development Commissioner and Specified Officer, with regard to proper accountal and utilization of goods for the authorized operations within a period of one year or such period, as may be extended by the Specified Officer.

(6) The Developer shall maintain a proper account of the import or procurement, consumption and utilization of goods and submit quarterly and half-yearly returns to the Development Commissioner in Form E for placing the same before the Approval Committee for consideration.

(7) The Developer shall submit a half- yearly certificate for the period ending 31st March and 30th September of every financial year regarding utilization of goods from an independent Chartered Engineer, other than the one who has given a certificate for the purpose of sub-rule (2), to Development Commissioner and Specified Officer and every certificate under this subrule shall be filed within thirty days of the period specified, as the case may be.

(8) The Developer shall not remove goods from the Special Economic Zone to the Domestic Tariff Area except with the permission of the Specified Officer and on payment of duty applicable on such goods.

13. A developer may export or transfer capital goods and spares including construction equipment that have become obsolete or surplus to another Developer, or Unit after obtaining the approval of the Specified Officer.

14. Procedure applicable on import or procurement of goods and services, their admission, and clearance of goods.- The procedures applicable to Units on import or procurement of goods and services, their admission, clearance of goods, shall apply, mutatis-mutandis, to the Developer, except that in case of a Developer, goods imported or procured from Domestic Tariff Area shall be allowed to be moved or utilized for the purposes of authorized operations in the non-processing area of Special Economic Zone as well.

15. Monitoring.- The utilization of the goods imported or procured from the Domestic Tariff Area by the Developer shall be monitored by the Approval Committee.

16. Transfer of Letter of Approval of Developer.- The relevant provisions of section 3, and these rules, as far as may be, apply for transfer of Letter of Approval of a Developer under clause (a) of sub-section (9) of section 10.

CHAPTER-III
PROCEDURE FOR ESTABLISHMENT OF A UNIT

17. Proposal for approval of Unit.- (1) A consolidated application seeking permission for setting up of a Unit and other clearances, including those indicated below, shall be made to the Development Commissioner, in Form F, in five copies, with a copy to the Developer:-

(a) Setting up of unit in a Special Economic Zone ;
(b) Annual permission for sub-contracting ;
(c) Allotment of Importer-Exporter Code number;
(d) Allotment of land/ industrial sheds in the Special Economic Zone ;
(e) Water connection ;
(f) Registration-cum-Membership Certificate ;
(g) Small Scale Industries Registration ;
(h) Registration with Central Pollution Control Board ;
(i) Power connection ;
(j) Building approval plan ;
(k) Sales tax registration ;
(l) Approval from inspectorate of factories ;
(m) Pollution control clearance, wherever required;
(n) Any other approval as may be required from the State Government.

(2) The Development Commissioner shall get the proposal scrutinised and get it placed before the Approval Committee for its consideration.

(3) The proposals received under clauses (c) and (e) of sub-section (2) of section 9 shall be placed before the Board by the Development Commissioner for its consideration.

18. Consideration of proposals for setting up of Unit in a Special Economic Zone. -

(1) The Approval Committee may approve or approve with modification or reject a proposal placed before it under sub-rule (2) of rule 17, within fifteen days of its receipt :

Provided that where the approval is to be granted by the Board in terms of sub-rule (3) of rule 17, the Board shall approve or approve with modification or reject such proposal within forty-five days of its receipt :

Provided further thar the Approval Commettee or the Bsoard, as the case may be shall record the reasons, in writing, where it approves a proposal with modifications or where it rejects a proposal and Development Commissioner by order shall communicate such reasons to the person making the proposal.

(2) The Approval Committee shall approve the proposal if it fulfills the following requirements, namely:-

(i) the proposal meets with the positive net foreign exchange earning requirement as provided in rule 53;

(ii) availability of space and other infrastructure support applied for, is confirmed by the Developer in writing, by way of a provisional offer of space ;

Provided that the Developer shall enter into a lease agreement and give possession of the space in the Special Economic Zone to the entrepreneur only after the issuance of Letter of Approval by the Development Commissioner ;

Provided further that a copy of the registered lease deed shall be furnished to the Development Commissioner concerned within six months from the issuance of the Letter of Approval ;

(iii) the applicant undertakes to fulfill the environmental and pollution control norms, as may be applicable;

(iv) The applicant submits proof of residence, namely, passport or ration card or driving licence or voter identity card or any other proof of the proprietor or the partners of partnership firms or Directors of the Company, as the case may be, to the satisfaction of Development Commissioner;

(v) the applicant submits the Income tax returns, along with annexures, of the Proprietor or Partners, or in the case of a company, audited balance sheet for the last three years.

(3) the proposal shall also fulfill the following sector specific requirements, namely :-

(a) export of high-grade iron ore, that is sixty-four per cent. Fe and above, except iron ore of Goa origin and Redi origin, which would be subject to approval of Board ;

(b) no sub- contracting or job work of polyester yarn shall be permitted in Domestic Tariff Area or in Export Oriented Unit or Units in other Special Economic Zone :

Provided that this restriction shall not apply to the Units which intend to send the fabric, made by them out of polyster or texturised yarn, for sub contracting but the third party exports shall not be permitted ;

(4) No proposal shall be considered for :-

(a) recycling of plastic scrap or waste :

Provided that extension of Letter of Approval for an existing Unit shall be decided by the Board ;

(b) enhancement of the approved import quantum of plastic waste and scrap beyond the average annual import quantum of the unit since its commencement of operation to the existing Units ;

(c) reprocessing of garments or used clothing or secondary textiles materials and other recyclable textile materials into clipping or rags or industrial wipers or shoddy wool or yarn or blankets or shawls :

Provided that extension of Letter of Approval for an existing Unit shall be decided by the Board ;

(d) import of other used goods for recycling :

Provided that extension of Letter of Approval for an existing Unit shall be decided by the Board ;

Provided further that reconditioning, repair and reengineering may be permitted subject to the condition that exports shall have one to one correlation with imports and all the reconditioned or repaired or re-engineered products and scrap or remnants or waste shall be exported and none of these goods shall be allowed to be sold in the Domestic Tariff Area or destroyed ;

(e) Export of Special Chemicals, Organisms, Materials, Equipment and Technologies unless it fulfills the conditions indicated in the Import Trade Control (Harmonized System) Classifications of export and import items ;

(f) if there is any instance of violation of law or public policy by the promoters, having a bearing on the merits of the proposal.

(5) The Units in Free Trade and Warehousing Zones or units in Free Trade and Warehousing Zone set up in other Special Economic Zone, shall be allowed to hold the goods on account of the foreign supplier for dispatches as per the owner's instructions and shall be allowed for trading with or without labeling, packing or repacking without any processing;

Provided that refrigeration for the purpose of storage and assembly of Completely Knocked Down or Semi Knocked Down kits shall also be allowed by the Free Trade and Warehousing units undertaking the said activities :

Provided further that these Units may also re-sell or re-invoice or re-export the goods imported by them ;

Provided also that all transactions by a Unit in Free Trade and Warehousing Zone shall only be in convertible foreign currency ;

(6) Units may also be setup for providing services or manufacturing services to Overseas Entities subject to following conditions, namely ;-

(a) Capital goods, raw materials including consumables sub-assemblies, components, semi-finished goods shall be supplied by supplied by the Overseas Entity fee of cost ;

(b) Capital goods for setting up such facilities may also be supplied on loan or lease basis, provided the notional value of such capital goods shall be taken into account for calculation of Net Foreign Exchange Earnings under rule 53.

(c) finished goods shall be exported out of the country or transferred to the Customs Bonded Warehouse to be maintained by the Overseas entity;

(d) the Unit shall receive the consideration for its manufacturing services in convertible foreign exchange directly from the said overseas entity;

(e) in case the said manufacturing facility is used by the Unit for carrying out production on its own account, separate accouts shall be maintained for the manufacturing and service activity.

Explanation :- "Overseas Entity" means a non- resident or a person of foreign origin and includes a company not incorporated in India.

19. Letter of Approval to a Unit.- (1) on approval of a proposal under rule 18 and 19, Development Commissioner shall issue a Letter of Approval in Form G, for setting up of the Unit :

(2) The Letter of Approval shall specify the items of manufacture or particulars of service activity, including trading or warehousing, projected annual export and Net Foreign Exchange Earning for the first five years of operations, limitations, if any on Domestic Tariff Area sale of finished goods, by- products and rejects and other terms and conditions, if any , stipulated by the Board or Approval Committee :

Provided that the Approval Committee may also approve proposal for board-banding, diversification, enhancement of capacity of production, change inthe items of manufacture or service activity, if it meets the requirements of rule 18.

Provided further that the Approval Committee may also approve change of the entrepreneur of an approved unit, if the incoming entrepreneur undertakes to take over the assets and liabilities of the existing Unit.

(3) An entrepreneur holding Letter.of Approval Issued under sub-rule (1) shall only be entitled to set up a Unit in processing area of the Special Economic Zone or Free Trade and Warehousing Zone, as the case may be ;

provided that a proposal for setting up of a Unit in a Special Economic Zone or Free Trade Warehousing Zone shall be entertained only after the processing area of the Special Economic Zone or Free Trade Warehousing Zone has been demarcated under rule 11.

(4) The Letter of Approval shall be valid for one year within which period the Unit shall commence production or service or trading or Free Trade and Warehousing activity and the Unit shall intimate date of commencement of production or activity to Development Commissioner :

Provided that upon a request by the entrepreneur, further extension may be granted by the Development Commissioner for valid reasons to be recorded in writing for a further period not exceeding two years :

Provided further that the Development Commissioner may grant further extension of one year subject to the condition that two-thirds of activities including construction, relating to the setting up of the Unit is complete and a chartered engineer's certificate to this effect is submitted by the entrepreneur.

(5) If the Unit has not commenced production or service activity within the validity period or the extended validity period under sub-rule (4), the Letter of Approval shall be deemed to have been lapsed with effect from the date on which its validity expired.

(6) The Letter of Approval shall be valid for five years from the date of commencement of production or service activity and it shall be construed as a licence for all purposes related to authorized operations, and, after the completion of five years from the date of commencement of production, Development Commissioner may, at the request of the Unit, extend validity of the Letter of Approval for a further period of five years, at a time.

(7) If an enterprise is operating both as a Domestic Tariff Area unit as well as a Special Economic Zone Unit, it shall have two distinct identities with separate books of accounts, but it shall not be necessary for the Special Economic Zone unit to be a separate legal entity;

Provided that foreign companies can also set up manufacturing units as their branch operations in the Special Economic Zones in accordance with the provisions of Foreign Exchange Management (Foreign exchange derivatives contracts) Regulations, 2000.

20. Administrative Control of Special Economic Zones.- Every Special Economic Zone shall be under the administrative control of a Development Commissioner appointed under sub-section (1) of section 11.

21. Offshore Banking Unit.- (1) The application for setting up and operation of Offshore Banking Unit in Special Economic Zone shall be made to the Reserve Bank of India in the Form VI prescribed under Banking Regulation (Companies) Rules, 1949 under section 23 of the Banking Regulation Act, 1949.

(2) The terms and conditions subject to which an Offshore Banking Unit may be set up and operated in a Special Economic Zone shall be as specified in the Notification number FEMA 71/2002-RB dated 7th September, 2002 by the Reserve Bank of India, as amended from time to time.

CHAPTER-IV

TERMS AND CONDITIONS SUBJECT TO WHICH ENTREPRENEUR AND DEVELOPER SHALL BE ENTITLED TO EXEMPTIONS, DRAWBACKS AND CONCESSIONS

22. Terms and conditions for availing exemptions, drawbacks and concessions to every Developer and entrepreneur for authorized operations.- (1) Grant of exemption, drawbacks and concession to the entrepreneur or Developer shall be subject to the following conditions, namely :-

(i) the Unit shall execute a Bond-cum-Legal Undertaking in form H, with regard to its obligations regarding proper utilization and accountal of goods, including capital goods, spares, raw materials, components and consumables including fuels, imported or procured duty free and regarding achievement of positive net foreign exchange earning ;

(ii) the Developer and Co-Developer shall execute the Bond-cum-Legal Undertaking in Form D with regard to their obligations regarding proper utilization and accountal of goods, including goods procured or imported by a contractor duly authorized by the Developer or Co-Developer as the case may be ;

(iii) the Bond-cum-Legal Undertaking shall be jointly accepted by Development Commissioner and by the Specified Officer :

Provided that the Bond-cum- Legal Undertaking executed by the Unit or the Developer including Co-Developer shall cover one or more of the following activities, namely :-

(a) the movement of goods between port of import or export and the Special Economic Zone;

(b) the authorized operations, as applicable to Unit or Developer ;

(c) temporary removal of goods or goods manufactured in Unit for the purposes of repairs or testing or calibration or display or processing or sub- contracting of productions process or production or other temporary removals into Domestic Tariff Area without payment of duty ;

(d) re-import of exported goods.

(iv) The procedure for execution of Bond-cum-Legal Undertaking shall be as under :-

(a) the Bond-cum-Legal Undertaking, where the entrepreneur or Developer is a company shall be executed by the Managing Director of the company or the Director(s) or any person who has or have been duly authorized for this purpose by a resolution of the Board of Directors of the company and shall be affixed with the common seal of the company ; where trhe entrepreneur is a partnership firm, Bond-cum-Legal undertaking shall be executed by all the partners or authorized partner(s); where the entrepreneur is a Hindu Undivided Family, the, Bond-cum-Legal Undertaking shall be executed by the Kartha; and where the entrepreneur is a proprietorship concern, the Bond-cum-Legal undertaking shall be executed by the proprietor;

(b) the value of the Bond-cum-Legal undertaking shall be equal to the amount of effective duties levilable on import or procurement from the Domestic tariff Area of the projected requirement of capital goods, raw materials, spares, consumables, intermediates, components, parts, packing materials for three months as applicable but which will not be levied on account of admission of such goods into the Unit or the amount of effective duties leviable on import or procurement from Domestic Tariff Area of the projected requirements of goods for the authorized operation by the developer but will not be levied in account of admission of such goods into the Special Economic Zone;

(c) where the value of Bond-cum-Legal undertaking executed falls short on account of requirement of additional goods, the Unit or the Developer shall submit additional Bond-cum-Legal Undertaking ;

(d) there shall be no debit and credit, the Bond-cum-legal Undertaking amount shall be monitored quarterly or yearly on the basis of Quarterly progress Report or Annual Progress Report submitted by the Developer or Unit, as the case may be, and in case of any shortfall in the Bond-cum-Legal Undertaking amount, a fresh or additional Bond-cum-Legal Undertaking shall be furnished;

(e) the original of Bond-cum-Legal Undertaking shall be maintained by the office of Development Commissioner and certified copies shall be given to the Specified Officer and unit or Developer;

(f) the value of the Bond-cum-Legal undertaking in respect of gems and jewellery units shall be calclulated on rates as notified by the Central Government, from time to time;

(g) duly completed Bond-cum-legal undertaking executed by the Unit or Developer, in accordance with the rules above, as the case may be, shall be deemed to have been accepted, if no communication is received within seven working days from the date of its submission.

(2) Every Unit and Developer shall maintain proper accounts, financial yearwise, and such accounts which should clearly indicate in value terms the goods imported or production of goods, including by- products, waste or scrap or supplies in the domestic tariff area or transfer to Special Economic Zone or Export Oriented Unit or Electronic Hardware Technology Park or Software Technology Park Units or Bio-technology Park Unit, as the case may be, and balance in stock:

Provided that Unit and Developer shall manitain such records for a period of seven years from the end of relevant financial year:

Provided further that the Unit engaged in both trading and manufacturing activities shall maintain separate records for trading and manufacturing activities.

(3) The unit shall submit Annual Performance Reports in the form I, to the Development Commissioner and the Development Commissioner shall place the same before the Approval Committee for consideration.

(4) The Developer shall submit Quarterly Reports on import and procurement of goods from the Domestic Tariff Area, utilization of the same and the stock in hand, in Form E to the Development Commissioner and the Specified Officer and the Development Commissioner shall place the same before the Approval Committee.

23. Supplies from the Domestic Tariff Area to a Unit or Developer for their authorized operations shall be eligible for export benefits as admissible under the Foreign Trade Policy.

24. (1) The procedure for grant of drawback claims and Duty Entitlement Pass Book credit to a Developer or Unit shall be as under :

(a) Drawback Claims: The triplicate copy of the assessed Bill of Export shall be treated as the drawback claim and processed in the Customs section of the Special Economic Zone and the Specified Officer shall be the disbursing authority for the said claims:

Provided that the Specified Officer shall follow the Customs and Central Excise Duties Drawback Rules 1995, circulars and instructions made in this regard to sanction of duty drawback claims and the interest on delayed payments.

(b) Duty Entitlement Pass Book Credit: An application for grant of Duty Entitlement Pass Book credit for supplies from Domestic Tariff Area to a Unit or Developer may be made by the Domestic Tariff Area Supplier or the Unit or Developer in the format prescribed under the Foreign Trade Policy.

(2) A Unit or Developer shall file application for Duty Entitlement Pass Book claim with the Development Commissioner concerned or the Domestic Tariff Area supplier may claim the same from the concerned Licensing Authority of the Office of the Directorate General of Foreign Trade or the Development Commissioner concerned.

25. Where an entrepreneur or Developer does not utilize the goods or services on which exemptions, drawbacks, cess and concessions have been availed for the authorized operations or unable to duly account for the same, the entrepreneur or the Developer, as the case may be, shall refund an amount equal to the benefits of exemptions, drawback, cess and concessions availed without prejudice to any other action under the relevant provisions of the Customs Act, 1962 the Customs Tariff Act, 1975 the Central Excise Act, 1944 the Central Excise Tariff Act, 1985 the Central Sales Tax Act, 1956 the Foreign Trade (Development and Regulation) Act, 1992 and the Finance Act, 1994 (in respect of service tax) and the enactments specified in the First Schedule to the Act, as the case may be :

Provided that if there is a failure to achieve positive net foreign exchange earning, by a Unit, such entrepreneur shall be liable for penal action under the provisions of Foreign Trade (Development and Regulation) Act, 1992 and the rules made there under.

26. General Conditions of Import and Export.- A unit may export goods and services, including agro-products, partly processed goods, sub-assemblies, components, by-products, rejects, waste or scrap except prohibited items of exports indicated in the Import Trade Control (Harmonized System) Classifications of Export and Import items:

Provided that export of Special Chamicals, Organisms, Materials, Equipment and Technologies shall be subject to fulfillment of the coditions indicated in the Import Trade Control (Harmonized System) Classifications of Export and Import items:

Provided further that if any permission is required for import under any other law, the same shall be allowed with the approval of the Board of Approval.

27. Import and Procurement.- (1) A Unit or Developer may import or procure from the Domestic Tariff Area without payment of duty, taxes or cess or procure from Domestic Tariff Area after availing export entitlements or procure from other Units in the same or other Special Economic Zone or from Export Oriented Unit or Software Technology Park unit or Electronic Hardware technology Park unit or Bio-technology Park unit, all type of goods, including capital goods (new or second hand), raw materials, semi-finished goods, (including semi-finished Jewellery) component, consumables, spares goods and materials for making capital goods required for authorized operations except prohibited items under the Import Trade Control (Harmonized System) Classifications of Export and Import items:

(2) In case of any doubt as to whether any goods or services are required by a Unit or Developer for authorized operations or not, it shall be decided by the Development Commissioner.

(3) The import of duty free material for setting up educational institutions, hospitals, hotels, residential and/or business complex, leisure and entertainment facilities or any other facilities in the non-processing area of the Special Economic Zone shall be as approved by the Board and import of no duty free material shall be permitted for operation and maintenance of such facilities:

Provided further that any goods for the personal use of, or consumption by officials, workmen, staff, owners or any other person in relation to a Unit or Developer, shall not be eligible for exemptions, drawbacks and concessions or any other benefit in accordance with the provisions of sections 7 or 26.

(4) A Unit or Developer may also source capital goods, without payment of duty, taxes or cess from a domestic or foreign leasing company, under a valid lease agtreement and in such cases the Unit or Developer and the domestic or foreign leasing company shall jointly file documents for import or domestic procurement, as the case may be.

(5) A Unit may import or procure from Domestic Tariff Area, all types of goods and services, without payment of duty, taxes of cess for creating a central facility for use by Units in Special Economic Zone and where such facility is created for software development, the same may also be accessed by software exporters of Domestic Tariff Area.

(6) A gem and jewellery Unit may also source on outright purchase basis, or loan basis, gold or silver or platinum through the Nominated Agencies and where such sourcing is on loan basis, the same shall be subjected to the conditions applicable to such transactions under the provisions of the Foreign Trade Policy in force:

Provided that the conditions applicable to loan transaction shall not apply where the Unit converts such loan into outright purchase by paying the outstanding loan amount and interest within the period for export prescribed under the Foreign Trade Policy applicable to the loan transaction.

(7) The goods already imported or shipped or arrived before the issue of Letter of Approval shall be eligible for duty free clearance provided customs duty has not been paid and goods have not been cleared from Customs or cleared and placed in the Bonded Warehouses.

(8) No import or export of rough diamonds shall be permitted unless the shipment parcel is accompanied by Kimberley Process Certificate issued by the Development Commissioner.

(9) Where goods or parts thereof, imported or producured from Domestic Tariff Area are found to be defective or otherwise unfit for use or which have been damaged or become defective after such import or procurement, may be sent outside the Special Economic Zone without payment of duty for repairs or replacement, to the supplier or his authorized dealer or be destroyed:

Provided that where overseas supplier or the Domestic Tariff Area supplier of goods does not insist for re-export or for supply back to the Domestic Tariff Area of goods, the same shall not be insisted upon and such goods shall be destroyed with the permission of the Specified Officer:

Provided further that destruction shall not be permitted in case of precious and semi-precious stones and precious metals :

Provided also that in case of return of goods procured from the Domestic Tariff Area, the same shall be allowed on refund of the export entitlement which have been received or availed or claimed by the Domestic Tariff Area supplier or the Unit or the Developer, as the case may be.

(10) The Assessment of imports and domestic procurement by a Developer or a Unit, shall be on the basis of self-declaration and shall not be subjected to routine examination except in case of procurement from the Domestic Tariff Area under the claim of export entitlements:

Provided that where based on a prior intelligence the examination becomes necessary the same shall be carried out by the Authorized Officer(s) after obtaining written permission from the Development Commissioner or the Specified Officer.

(11) If examination of any emport or export of goods procured from the Domestic Tariff Area is required, the same shall be carried out at the Special Economic Zone gate or if the same is not possible, in an area so notified by the Specified Officer for this purpose, and no examination shall be carried out in the premises of the Unit unless requested by the unit and specifically permitted in writing by the Specified Officer.

28. (1) A Unit or Developer may import goods directly into the Special Economic Zone or through any other:

(a) ports or airports;
(b) land customs stations;
(c) inland container depots;
(d) foreign post offices;
(e) authorized couriers; or
(f) through personal baggage of passengers authorized by the Special Economic Zone Unit; or
(g) Via Satellite data communication such as internet or any other telecommunication link.

(2) Goods imported through ports or airports, land customs stations, or inland container depots shall be allowed to be transferred in full cargo load or less than container load cargo by direct transfer from such port or airport or Inland container Depot or land customs station to the Special Economic Zone.

(3) The import of Information Technology enabled services, including software, shall also be allowed through data communication link, internet, e-mail or any other electronic mode.

(4) The Unit or Developer may also procure goods required for the authorized operations, without payment of duty, from International Exhibitions held in India or from bonded warehouses set up under the Foreign Trade Policy and under the Customs Act in the Domestic Tariff Area ;

(5) The goods imported by the Unit or Developer shall be allowed to be transferred from the port or airport to the Special Economic Zone without examination by the Customs Authorities at the port or airport , as the case may be:

Provided that the goods may be examined with the prior permission of the Assistant or Deputy Commissioner of Customs in writing in case there is specific adverse information or intelligence:

(6) The goods imported by a Developer or Unit shall be transshipped by the carrier or its agent directly to the Special Economic Zone.

(7) Where import cargo destination is other than the Special Economic Zone, delivery shall be allowed at the destination port or airport on the strength of Bill of Entry assessed by Special Economic Zone Customs without any Transshipment Bond:

Provided that in case of high value goods imported through the airport, the goods may be transferred to the Custodian who shall transfer the same to a designated Customs Area located inside the Processing Area designated by the Specified Officer for further delivery to the Unit or Developer;

Provided further that the high value cargo imported through the airport may also be transferred under the Customs escort at the option of the Unit or the Developer

29. (1) Direct delivery shall be permitted at the place of import for clearance of goods imported by units and Developer from ports or airports or land customs stations or inland container depots as is being done in the case of import of perishable or lifesaving drugs.

(2) The Unit or Developer, hereinafter referred to as the Special Economic Zone Importer, shall follow the following procedure for imports, namely :-

(a) the Special Economic Zone Importer shall file Bill of Entry for home consumption in quintuplicate giving therein, description with specially stamped endorsement as "Special Economic Zone Cargo" along with Bill of Lading or Airway Bill and invoice and packing list with the Authorized Officer who shall register and assign a running annual serial number and assess the Bill of Entry, on the basis of transaction value, which shall not require any counter signature of the Specified Officer :

Provided that where the Bill of Entry is not assessed on the date of filing itself, the goods shall be allowed to be transferred to Special Economic Zone Importer on the basis of the registered Bill of Entry, if an endorsement to this effect has been made by the Authorized Officer:

Provided further that where the goods including Capital Goods are supplied free of cost or on loan or lease basis, the Bill of Entry shall be filed jointly in the name of the Special Economic Zone importer, and the supplier:

Provided also that where the goods including Capital Goods are supplied on loan or lease basis by a domestic supplier, the Bill of Entry shall be filed jointly in the name of the Special Economic Zone importer and domestic supplier ;

(b) the registered or assessed Bill of Entry shall be submitted to the Customs Officer at the place of import and the same shall be treated as permission for transfer of goods to the Special Economic Zone Importer;

(c) in case of sealed full container load, the goods shall be transferred to Special Economic Zone on the basis of registered or assessed Bill of Entry after verification of the seal, without customs escort;

(d) in case of other cargo, goods shall be allowed to be transferred to Special Economic Zone on the basis of registered or assessed Bill of Entry either under customs escort or under transshipment procedure, at the option of Special Economic Zone Importer:

Provided that no separate documents or transshipment bond shall be required to be filed and the transshipment permission shall be stamped on the fifth copy of the Bill of Entry;

(e) on arrival of goods as full container load cargo or sealed truck, seal on the container or the truck, as the case may be, shall be verified by the authorized officer, at the Special Economic Zone gate of entry;

(f) on arraival of goods in less than container load cargo, verification of marks and numbers shall be carried out at random by the authorized officer at the Special Economic Zone gate of entry;

Provided that where verification of marks and numbers of less than container load cargo cannot be undertaken at Special Economic Zone gate of entry, the goods shall be allowed to be taken directly to the premises of the Special Economic Zone Importer or to the premises of the custodian, as the case may be, and verification undertaken there;

(g) the Special Economic Zone importer shall submit fifth copy of Bill of Entry bearing endorsement of the authorized officer that the goods have been received in Special Economic Zone, to the Customs Officer in charge of the airport or port or inland container deport or land customs station or post office or public or private bonded warehouses, as the case may be, within forty-five days from the date of clearance of goods from such airport or port or inland container deport or land customs station or post office or public or private bonded warehouse, as the case may be, failing which the officer in charge of such airport on port or inland container deport or land customs station or post office or public or private bonded warehouse, as the case may be, shall write to the Specified Officer raising demand of applicable duty from the Special Economic Zone importer;

(h) endorsement regarding verification of marks and numbers in case of less than container load cargo or inspection of seal in the case of full container load cargo or sealed truck by the authorized officer and the receipt of the goods by the Special Economic Zone importer shall be deemed to be the completion of the customs procedure for out of charge of the goods.

(i) where goods are imported through courier-

(a) the authorized officer shall assess the goods;

(b) the courier shall deliver the goods under customs escort or to the custodian for delivery of goods to Special Economic Zone Importer;

(c) in case the Special Economic Zone is located away from the station where the goods have been imported by the courier, the goods shall be transshipped to Special Economic Zone Importer under transshipment procedure:

Provided that no separate documents or transshipment bond shall be required to be filed and the transshipment permission shall be stamped on the fifth copy of the Bill of Entry:

Provided further that if the Special Economic Zone Importer is not able to get the courier parcels duty free, the duty free, the duty paid by the said Importer on such eligible goods shall be refunded by the Specified Officer as if the imported goods have been exported to the Special Economic Zone and such refund shall be in accordance with the provisions of section 74 of the Customs Act, 1962.

(3) The procedure for delivery through the Port, Inland Container Depot, Custodian's designated customs area, in case of high value parcels imported by gem and jewellery Units, located in Special Economic Zone shall be as under:-

(i) where goods are consigned to an Inland Container Depot located in a Special Economic Zone, transfer of goods shall be by the carrier appointed for the purpose and the goods shall be delivered to the Inland Container Depot in the Special Economic Zone by the container line or custodian.

(ii) after receipt of goods in the Special Economic Zone Inland Container Depot, delivery of goods shall be made by the custodian of the Inland Container Depot after verification of marks and number of packages of less than container load cargo and verification of seal of full container load cargo, in the premises of the custodian on the basis of assessed Bill of Entry.

(iii) filing of advance Bill of Entry may not be required before arrival of the goods in the Special Economic Zone and the Special Economic Zone Importer may, at his option, file the Bill of Entry before or after arrival of goods :

Provided that where verification cannot be undertaken in the premises of the custodian or if the Special Economic Zone importer so requests, goods shall be allowed to be taken to the premises of the Special Economic Zone Importer, by the Specified Officer and thereafter the goods may be verified there.

(iv) there shall be no examination of the goods and the goods shall be deemed to be out of charge on the day of handing over of the goods to the Special Economic Zone Importer.

4) Procedure for Import by Post.- where goods are imported by post, the Special Economic Zone Importer shall follow the procedure specified in sub-rule (2) and shall file the Bill of Entry with the authorized officer with clear marking as "Postal Imports" and subject to following conditions, namely :-

(i) the post-office registration number as indicated in the intimation letter issued by the post office shall be taken as the import general manifest and item number of the Bill of Entry ;

(ii) the copy of intimation letter received from the post office shall be pasted on the reverse side of the original Bill of Entry ;

(iii) where Special Economic Zone is situated away from the foreign post office goods shall be moved to Special Economic Zone under customs escort or shall be handed over to the custodian of Special Economic Zone or delivered to the Unit or its authorized representative after sealing of the parcel.

(5) The units may import goods including precious goods namely gold or silver or platinum or gem and jewellery as personal baggage through an authorized passenger subject to the following procedure, namely :-

(i) The authorized passenger bringing the precious goods shall declare the goods with the customs authorities at the airport in the arrival hall in the declaration form as specified by Commissioner of Customs in charge of the airport along with a duly acknowledged copy of intimation submitted to the authorized officer;

(ii) the authorized passenger shall hand over the goods duly packed indicating name and address of the consignee Unit and accompanied by invoice and packing list to the customs authorities at the airport for detention in the warehouse under a detention receipt;

(iii) the customs officer of the airport shall detain the goods and issue derention receipt;

(iv) the Unit shall file Bill of Entry in quintuplicate along with a copy of invoice, packing list and declaration with the authorized officer and the detention receipt number issued by the customs officer at the airport shall be treated as Import General Manifest and item number;

(v) after assessment of Bill of Entry, original Bill of Entry shall be retained by the authorized officer and the remaining copies shall be handed over to the authorized representative of the Unit for presenting at the airport detention counter where goods shall be allowed clearance after receiving the original detention receipt along with the authorization from the Unit, by making entries in the warehouse register and detention receipt register;

(vi) after release, the goods shall either be moved to the Unit under the Customs escort or shall be delivered to the Custodian or authorized representative of the Unit after sealing;

(vii) the goods shall be allowed to be taken to the Unit after verification of marks and number of packages by the Authorized Officer at the gate of entry of the Special Economic Zone.

6) For the import of computer software or services through data communication or telecommunication links, the Unit shall file consolidated Bill of Entry for a month within three working days of the closure of the month along with the invoice and other relevant documents and shall obtain notional `out of charge' from the Authorized Officer, subject to the following conditions, namely :-

(i) import documents shall be routed through banks or advance payments for imports could be routed through Foreign Currency Account ;

(ii) instructions, if any, issued by the Reserve Bank of India, from time to time, in this behalf shall be complied with.

(7) A Unit may import the goods exported by it which are either found to be defective or damaged by the overseas buyer or have not been taken delivary of by the overseas buyer, by following the procedure under sub-rule (2) and subject to the following conditions ;-

(i) the identity of the goods is established at the time of re-import; and

(ii) the goods are re-imported within the warranty period or the validity of the maintenance contract or a period of one year from the date of export, whichever is later.

(8) Replacement of goods imported but found defective shall be allowed admission in Special Economic Zone by way of import or replacement through authorized dealer or the overseas supplier in India.

30. Procedure for procurements from the Domestic Tariff Area.- (1) The Domestic Tariff Area supplier supplying goods to a Unit or Developer shall clear the goods, as in the case of exports, either

under bond or as duty paid goods under claim of rebate on the cover of ARE-I referred to in notification number 40/2001- Central Excise (NT) dated the 26th June, 2001 in quintuplicate bearing running serial number beginning from the first day of the financial year.

(2) Goods procured by a Unit or Developer, on which Central Excise Duty exemption has been availed but without any availment of export entitlements, shall be allowed admission into the Special Economic Zone on the basis of ARE-1.

(3) The goods procured by a Unit or Developer under claim of export entitlements shall be allowed admission into the Special Economic Zone on the basis of ARE-1 and a Bill of Export filed by the supplier or on his behalf by the Unit or Developer and which is assessed by the Authorised Officer before arrival of the goods :

Provided that if the goods arrive before a Bill of Export has been filed and assessed, the same shall be kept in an area designated for this purpose by the Specified Officer and shall be released to the Unit or Developer only after completion of the assessment of the Bill of Export;

(4) A copy of the ARE-1 and/ or copy of Bill of Export as the case may be, with an endorsement by the authorized officer that goods have been admitted in full into the Special Economic Zone shall be forwarded to the Central Excise Officer having jurisdiction over the Domestic Tariff Area supplier within forty-five days failing which the Central Excise Officer shall raise demand of duty against the Domestic tariff Area supplier;

(5) Where a Bill of Export has been filed under a claim of drawback or Duty Entitlement Pass Book, the Unit or Developer shall claim the same from the Specified Officer and jurisdictional Development Commissioner respectively and in case the Unit or Developer does not intend to claim entitliement of drawback or Duty Entitlement Passbook Scheme, a disclaimer to this effect shall be given to the Domestic Tariff Area Supplier for claiming such benefits:

Provided that the Duty Entitlement Passbook Scheme may be claimed by Domestic Tariff Area Supplier from the Development Commissioner or their jurisdictional Regional Licencing Authority of the Directorate General of Foreign Trade :

(6) The Bill of Export shall be assessed in accordance with the instructions and procedures, including examination norms, laid down by the Department of Revenue as applicable to export goods:

Provided that at the time of assessment, it shall be specifically examined whether the goods are required for the authorized operations by the unit or Developer, with reference to the Letter of Approval or the list of goods approved by the Approval Committee for the Developer.

(7) On arrival of the goods procured from the Domestic Tariff Area at the Special Economic Zone gate, the Authorized Officer shall examine the goods in respect of description, quantity, marks and other relevant particulars given in the ARE-1, invoice, Bill of Export and packing list and also as per the examination norms laid down in respect of export goods in cases where the goods are being procured under claim of an export entitlement.

(8) Drawback or Duty Entitlement Pass Book credit against supply of goods by Domestic Tariff Area supplier shall be admissible provided payments for the supply are made from the Foreign Currency Account of the Unit.

(9) A copy of the Bill of Export and ARE-I with an endorsement of the Authorized Officer that the goods have been admitted in full in the Special Economic Zone, shall be treated as proof of export.

(10) Where the goods are to be procured by a Unit or Developer from a Domestic Tariff Area supplier who is not registered with the Central Excise authorities, or is a trader or merchant exporter, the procedure under sub-rule (1) and (2) above shall apply, mutatis mutandis, except that the goods shall be brought to the Special Economic Zone under the cover of an Invoice and the ARE-1 shall not be required.

(11) The Unit or Developer may also procure goods from Domestic Tariff Area without availing exemptions, drawbacks and concessions on the basis of invoice or transport documents, issued by the supplier;

Provided that such invoices or transport documents shall be endorsed to the effect that no exemptions, drawbacks and concessions have been availed on the said supplies.

(12) Procedure for procurement from warehouse shall be as under :-

(a) where goods are to be procured from warehouse, a Unit or Developer shall file a Bill of Entry with the specified Officer;

(b) the Unit or Developer shall submit Bill of Entry assessed by the Authorized Officer to the Customs Officer in charge of the warehouse from where the Special Economic Zone Unit or Developer intends to procure the goods;

(c) the Customs Officer in charge of the warehouse shall allow clearance of the goods from the warehouse for supply to the unit or Developer without payment of duty on the cover of ex-bond Shipping Bill and on the basis of Bill of Entry duly assessed by the Authorized Officer;

(d) where the re-warehousing certificate by way of endorsement by the Authorized Officer on the copy of ex-bond shipping Bill is not received by the Customs Officer in charge of warehouse within forty-five days from the date of clearance of the goods from the warehouse, the Customs Officer in charge of the warehouse shall proceed to demand applicable duty from the supplier:

Provided that for procurement of goods from Nominated Agency located in Special Economic Zone the procedure as specified by Specified Officer shall be followed and there shall be no requirement of assessment of Bill of Entry or transfer of the goods under the cover of ex-bond Shipping Bill.

(13) A Special Economic Zone Unit or Developer may also procure goods from international exhibitions held in India following the procedures under sub-rule (12).

(14) A Unit or Developer may also procure goods or services, without payment of duty from an Export Oriented Unit or Software Technology Park Unit or Bio-Technology Park Unit, by following procedures under sub-rule (12).

(15) A Unit or Developer may procure goods and services from another Unit located in the same or any other Special Economic Zone, subject to following conditions, namely :-

(i) the receiving Unit or Developer shall file Bill of Entry for home consumption with the Authorized Officer, in quintuplicate, giving description of the goods along with an invoice and packing list for asssessment;

(ii) on the basis of such assessed Bill of Entry, the goods shall be allowed to be transferred to the receiving Unit or Developer under transshipment permit;

(iii) there shall be no requirement to file any additional documents or bond(s) for the purpose of transshipment of goods and the transshipment permission shall be stamped on the Bill of Entry itself;

(iv) the supplying Unit shall submit the re-warehousing certificate to the Specified Officer having jurisdiction over the supplying unit within forty five days, failing which the Specified Officer of the supplying Unit shall write to the Specified Officer having jurisdiction over the receiving Unit or Developer for demand of duty from the receiving Unit or Developer;

(v) where the supplying and receiving Units or Developer are located in the same Special Economic Zone, the provisions of sub rules(i) to (iv) shall not apply and the movement of goods shall be allowed and such transactions shall be recorded in the regular books of accounts of the receiving Unit or Developer and the supplying Unit and no Bill of Entry shall be required to be filed.

(16) Procurement of cut and polished diamonds and precious and semi precious stones from Domestic Tariff Area.- A gem and jewellery Unit may procure cut and polished diamonds and precious and semi precious stones from the Domestic Tariff Area, as per the following procedure, namely :-

(i) the parcel shall be brought into the Zone in a sealed condition by the authorized representative of the Domestic Tariff Area supplier or Customs House Agent, who shall present the invoice clearly marked original, duplicate and triplicate to the Authorized Officer at the gate ;

(ii) the Authorized Officer shall register the invoice at the gate of the Special Economic Zone and endorsing the registration number on the original and duplicate copies of the Invoice and the parcel shall be allowed to be taken into the premises of the Unit and such goods shall be separately accounted for by the Unit;

(iii) the duplicate copy of the invoice with the endorsement of the Authorized officer shall be forwarded to the supplier in the Domestic Tariff Area for claiming Replenishment Licence from the Development Commissioner of the Special Economic Zone.

31. The exemption from payment of service tax on taxable services under section 65 of the Finance Act, 1994 (32 of 1994) rendered to a Developer or a Unit (including a Unit under construction) by any service provider shall be available for the authorized operations in a Special Economic Zone.

32. The exemption from levy of taxes on sale or purchase of goods, other than newspapers, under the Central Sales Tax Act, 1956 (74 of 1956) shall be available on goods meant for undertaking authorized operations by the Developer or the Unit:

Provided that the dealer selling goods in the course of interstate trade or commerce to a registered dealer under the Central Sale Tax Act, 1956 shall furnish a declaration in from- I prescribed under the Central Sales Tax (Registration and Turnover) Rules, 1957.

33. Admission of goods.- Any goods imported or procured from Domestic Tariff Area, required for authorized operations, shall be admitted into the Special Economic Zone subject to the following conditions, namely :-

(i) the goods imported or procured from Domestic Tariff Area shall be brought into the premises of Unit;

(ii) the goods, which require frequent entry into and exit from the Zone and which are not required for carrying out authorized operations shall be allowed into or out of the Special Economic Zone on the basis of general permission of the Specified Officer, who shall record the reasons for such permission;

(iii) hazardous goods may be admitted into specially designated area or installation of Special Economic Zone subject to such safeguards as may be specified by Specified Officer;

34. Utilization of goods.- The goods admitted into a Special Economic Zone shall be used by the Unit or the Developer only for carrying out the authorized operations but if the goods admitted are utilized for purposes other than for the authorized operations or if the Unit or Developer fails to account for the goods as provided under these rules, duty shall be chargeable on such goods as if these goods have been cleared for home consumption;

Provided that in case a Unit is unable to utilize the goods imported or procured from Domestic Tariff Area, it may export the goods or sell the same to other Unit or to an Export Oriented Unit or Electronics Technology Park Unit or Software Technology Park Unit or Bio-technology Park Unit, without payment of duty, or dispose off the same in the Domestic Tariff Area on payment of applicable duties on the basis of an import licence submitted by the Domestic Tariff Area buyer, wherever applicable.

35. Co-relation of import consignment with corresponding export consignment.- The Unit shall account for the entire quantity of goods imported or procured duty free, by way of export, sales or supplies in Domestic Tariff Area or transfer to other Special Economic Zone Unit or Export Oriented Unit or Electronic Hardware Technology Park unit or Software Technology Park Unit or Bio-tecnology Park Unit or bonded warehouses and the balance held in stock:

Provided that at no point of time the Unit shall be required to co-relate every import consignment with its export or transfer to other Special Economic Zone Unit or Export Oriented Unit or Electronic Hardware Technology Park unit or Software Technology Park Unit or Bio-technology Park Unit or sales in Domestic Tariff Area or supply to bonded warehouses except in case of goods covered under proviso to clause (d) of sub-rule (4) of rule 18 and goods held as stock and the Unit may adopt 'First-in-First-Out' method and a consignment which has been received first, shall be deemed to have been utilized first.

36. Filing of documents for admission and removal.- All documents for admission of goods into and out of Special Economic Zone shall be filed before the Authorized Officer of Customs.

37. Duration of goods or services in a Special Economic Zone.- (1) The goods admitted to a Special Economic Zone shall be utilized, exported or disposed off in accordance with the Act and rules within the validity period of the Letter of Approval issued to the Unit or in the case of a developer within a period of one year or such extended period as may be allowed by the Specific Officer under sub-rule (5) of rule 12.

(2) On failure to utilize or dispose off goods as provided such goods shall be liable for payment of duty as if the goods have been removed to Domestic Tariff Area on the date of expiry of the said validity period under sub-rule (1).

38. Transfer of ownership and removal of goods.- The goods or services admitted into Special Economic Zone without payment of duty or manufactured or produced or partly processed or semi-finished goods may be transferred or given on loan to a Unit or Developer within the same Special Economic Zone or in another Special Economic Zone or to an Export Oriented Unit or to a unit in

Electronic Hardware Technology Park or to a Unit in Software technology Park, Bio-Technology Park unit without payment of duty, subject to the following conditions, namely :-

(i) the transferee or loanee Unit or Developer is entitled for duty free procurement of the goods for its authorized operations;

(ii) the supplying and receving Unit or Developer, as the case may be, shall maintain proper account of goods transferred or of goods given or taken on loan ;

(iii) the goods transferred or given on loan basis shall not be counted for the purpose of Net Foreign Exchange Earning by the Unit;

(iv) the transferred goods (other than the raw material procured from Domestic Tariff Area) shall be accounted, as import by the receiving unit while the value of the same shall be deducted from the import of the transferring unit;

(v) transfer or loan of goods to Units or developers in other Special Economic Zones or to Export Oriented Unit or Electronic Hardware Technology Park unit or Software Technology Park unit or Bio-technology Park unit shall be allowed with the prior written permission of the Specified Officer and subject to such conditions as may be imposed.

39. Destruction of goods .- (1) After advance intimation to the Specified Officer, a Unit may destroy, without payment of duty, goods including capital goods, procured from Domestic Tariff Area or goods imported or goods manufactured or produced by the Unit including rejects or waste or scrap or remnants within the Special Economic Zone:

Provided that obtaining environmental clearance if any required for such destruction shall be the responsibility of the Unit.

(2) Where it is not possible to destroy goods within the Special Economic Zone, destruction of goods under sub-rule (1) shall be carried out, outside the Special Economic Zone with the permission of Specified Officer and in the presence of the Authorized Officer;

Provided that destruction of precious and semi-precious stones and precious metals shall not be allowed.

(3) The Unit shall be required to pay back the drawback and Duty Exemption Pass Book credit availed in of case destruction of goods procured from Domestic Tariff Area.

(4) Where any goods procured from Domestic Tariff Area under claim of drawback or Duty Entitlement Passbook Scheme credit or under any export promotion scheme are destroyed due to natural calamities, the zone unit shall be required to pay drawback or Duty Entitlement Passbook Scheme credit claimed on such goods:

Provided that in case where the Unit has procured the goods from Domestic Tariff Area against payment of foreign exchange, the Unit shall not be liable to pay back drawback or Duty Entitlement Passbook scheme credit or any export incentive claimed on such goods.

40. Movement of goods to and from non-processing area.- The movement of goods to and from non-processing area to a processing area and from one processing area of Special Economic Zone to a different processing area of the same Special Economic Zone shall be under serially numbered challans preauthenticated by the owner or Managing Director or working partner or the company secretary or by any person duly authorized in this behalf by the company or firm, as the case may be, and the challans shall contain complete description of goods.

41. Sub-Contracting.- (1) A Unit, may subcontract a part of its production or any production process, to a unit(s) in the Domestic tariff Area or in a Special Economic Zone or Export Oriented Unit or a unit in Electronic Hardware Tecnology Park unit or Software Technology Park unit or Bio-technology Park unit with prior permission of the Specified Officer to be given on an annual basis and subject to following conditions, namely :-

(a) the finished goods requiring further processing or semi-finished goods including studded jewellery, taken outside the Special Economic Zone for sub-contracting shall be brought back into Unit within one hundred and twenty days or within such period as may be extended by the Specified Officer for reasons to be recorded in writing for grant of such extension;

(b) cut and polished diamonds, precious and semi-precious stones (except rough diamonds, precious or semi-precious stones having zero duty) shall not be allowed to be taken outside the Special Economic Zone for sub-contracting;

(c) a gem and jewellery Unit may receive plain gold or silver or platinum jewellery from the Domestic Tatiff Area or from an Export Oriented Unit or from a Unit in the same or another

Special Economic Zone in exchange of equivalent content of gold or silver or platinum contained in the said jewellary after adjusting permissible wastage or manufactuiring loss allowed under the provisions of the Foreign Trade Policy read with the Handbook of Procedures;

(d) in sub-contracting or exchange, wastage shall be permitted as per the wastage norms admissible under the Foreign Trade Policy read with the Handbook of Procedures :

Provided that the total wastage of the Unit, including the wastage of the subcontractor or the supplier of Jewellery on exchange basis, shall not in any case exceed the wastage permissible under the Foreign Trade Policy read with the Handbook of Procedures;

(e) the Domestic Tariff Area Unit undertaking sub- contracting or supplying jewellery against exchange of gold or silver or platinum shall not be entitled to export entitlements;

(f) the value of the sub-contracted production of a Unit in any financial year shall not exceed the value of goods produced by the Unit within its own premises in the immediately preceding financial year:

Provided that a Unit, sub-contracting part of the production or production process to other Unit in the same Special Economic Zone shall not require the permission of the Specified Officer provided that both the supplying and receving Units shall maintain proper account of the goods involved in the subcontracting.

Explanation: For removal of doubts it is clarified that the expression "subcontracting" of a part of its production under this rule shall mean sub-contracting all the production processes for conversion of raw material into finished products but only for a part of the quantity of the finished products exported during the year or in the first year of production, the value of the goods subcontracted shall not exceed the value of goods produced by the unit in its own premises during sthe first year of production.

(g) a Unit engaged in trading or warehousing shall not be allowed the facility of subcontracting of production or production process in the domestic tariff area;

(h) a Unit may remove, with the permission of Specified Officer, moulds or jigs or tools or fixtures or tackles or instruments or hangers and patterns and drawing to the permises of sub-contractor(s), subject to the condition that these shall be brought back to the premises of the Unit immediately on expiry of such sub-contracting arrangement and submission of a quarterly verification report from the Central Excise Officer having juridiction over the sub-contractor that such goods are lying in the sub-contractor's premises and are being used for production of goods on account of the Unit;

(i) raw materials, components and consumbles excluding fuel may be sent along with these goods, or separately.

(2) The Development Commissioner may also permit subcontracting of part of the production process abroad and in such cases, the goods may be exported from the sub-contractor's premises abroad subject to following conditions, namely :-

(a) sub-contracting charges shall be declared in the export declaration forms and invoices and other related documents ;

(b) the export proceeds shall be fully repatriated in favour of the Unit.

42. Procedure for sub-contracting in Domestic tariff Area or in a Unit in other Special Economic Zones or in Export Oriented Unit or in Electronic Hardware Technology Park unit or in Software Tecnology Park Unit or Bio-tecnology Park Unit or sub-contracting abroad.- (1) A Unit may take goods, including finished goods requiring further processing or semi-finished or semi-processed goods, including studded jewellery or inputs to the sub-contracor's premises- (i) for sub-contracting any production process; or (ii) part of the production, without payment of duty, subject to following conditions, namely:-

(a) the Unit shall wherever possible apply for the permission at the time of project approval itself and based on such initial approval, the Specified Officer shall permit sub-contracting of part of production process(es) or part of the production;

(b) where the permission has not been taken at the time of project approval or a new permission is sought, the unit shall file an application containing the name and address of the sub-contractor(s), Central Excise registration number in the case of the Domestic Tariff Area sub-contractor, if registered, and details of the processes to be carried out or quantum of production sought to be carried out at the sub-contractor's premises and self certified input output ratio for the said processes;

(c) after examination of details under sub clause (b), the Specified Officer may grant annual permission for sub-contracting any production process or sub-contracting part of the production, as the case may be;

(d) the Unit, removing raw materials, consumables excluding fuel and components, imported or domestically procured without any processing, for sub-contracting into the Domestic Tariff Area shall furnish bank guarantee to Specified Officer to cover the duty foregone on such materials being taken out for sub-contracting ;

Provided that bank guarantee shall not be required by a unit whose turnover is rupees one crore or above or where the unit is in the Special Economic Zone for more than a period of two years with an unblemished track record;

(e) the Specified Officer or the Authorized Officer may make random checks either at the job worker's premises or after receipt of goods from the job worker at the Special Economic Zone gate for the purpose of verification of goods which were sent and received :

Provided that where the precious metal in bullion form, having marking of fineness or purity or make or serial number is taken out of the Special Economic Zone for sub-contracting, appraisement of precious metals shall not be mandatory ;

(f) a Unit shall remove the goods under serial numbered challans pre-authenticated by the owner or Managing Director or working partner or the company secretary or by any person duly authorized in this behalf by the company or firm, as the case may be and complete description of goods shall be provided on the challan;

(g) the authorized officer at the Special Economic Zone gate shall note down the identification marks of the goods for verification of the goods when received back after subcontracting:

provided that where sensitive items are sent out for sub-contracting, based on the risk profile or past performance of the unit, sample may be drawn and retained by the Specified Officer, if required:

Provided that for gem and jewellery Units, there shall be no requirement for drawal of samples;

(h) the goods sent out for sub-contracting shall be returned to the Unit within one hundred and twenty days from the date of removal or within such period as may be extended by the Specified Officer for reasons to be recorded in writing for granting such extension;

(i) in case of failure by the Unit to bring back the goods after sub-contracting within the period under sub clause (h), action shall be taken by the Specified Officer to recover the duty on the goods taken out for sub-contracting.

(2) The Specified Officer may permit the Unit to export the finished goods directly from the sub-contractor's premises subject to following conditions, namely :-

(i) the sub-contractor is an Export Oriented Unit or an Electronic hardware technology Park Unit or Bio-technology Park Unit or a Special Economic Zone Unit or a Domestic Tariff Area Unit which is registered with the Central Excise Depatment;

(ii) export of finished goods from the sub-contractor's premises shall be allowed only by way of direct export and not through third party;

(iii) sample of goods exported from the sub-contractors premises shall be sent by the sub-contractor in sealed condition, to the Specified Officer for establishing identity of the goods exported with the sample drawn at the time of taking out of the goods to the sub-contractor;

(iv) Shipping Bill for duty free goods shall be processed at the port of export as in the case of normal export and shipping bill shall be filed in the name of the Unit and sub-contractor;

(v) goods for such export shall be removed from the sub-contractor's premises under bond:

Provided that in case of subcontracting abroad, the goods shall either be returned to the Unit or may be sold to buyers in that country or any third country.

(3) Waste, scrap or remnants generated during processes at the sub-contractor's premises may either be returned to the Unit or may be cleared on payment of duty as if the said waste or scrap or remnants have been cleared by the Unit or may be destroyed at the sub-contractor's premises in the presence of Jurisdictional Central Excise Officer if the sub-contractor is a Central Excise registrant:

Provided that in case of clearance of waste or scrap at sub-contractor's premises on payment of duty or destruction there of the same shall be in accordance with the Standard Input Output Norms

notified for the Duty Exemption Entitlement Scheme under the Foreign Trade Policy or as fixed by Approval Committee:

Provided that where the subcontractor's premises are located abroad, the scrap, waste or remnants generated at the sub-contractors premises may either be returned to the Unit or may be disposed off abroad;

(4) A Unit may sub-contract a part of production or production process in another Unit within the same Special Economic Zone subject to the following conditions, namely :-

(i) the movement of goods shall be under serially numbered challans and record of such movement of goods shall be maintained by the Unit;

(ii) raw material imported or procured by the Unit for manufacture of capital goods may be transferred to another unit for the purpose of manufacture or fabrication of capital goods for use by the Unit which had imported or procured the raw materials.

43. Sub-contracting for Domestic Tariff Area unit for export.- A Unit may, on the basis of annual permission from the Specified Officer, undertake sub-contracting for export on behalf of a Domestic tariff Area exporter, subject to following conditions, namely :-

(a) all the raw material including semi-finished goods and consumables including fuel shall be supplied by Domestic Tariff Area exporter;

(b) finished goods shall be exported directly by the Unit on behalf of the Domestic Tariff Area exporter:

Provided that in case of subcontracting on behalf of an Export Oriented Unit or an Electronic Hardware Technology Park unit or an Software Technology Park unit or Bio Technology Park unit, the finished goods may be exported either from the Unit or from the Export Oriented Unit or Electronic Hardware Technology Park unit or Software Technology Park unit or Bio-Technology Park unit;

(c) export document shall be jointly in the name of Domestic Tariff Area exporter and the Unit;

(d) the Domestic Tariff Area exporter shall be eligible for refund of duty paid on the inputs by way of brand rate of duty drawback.

44. Contract Farming.- A Unit engaged in production or processing of agriculture or horticulture products, may, on the basis of annual permission from the Specified Officer, remove to a farm in the Domestic Tariff Area, inputs, namely, seeds, fertilizers and chemicals for pre and post harvest treatment, micro nutrients, plant and growth regulators and other organic and inorganic substances used for plant nutrition, insecticides, fungicides, weedicides, herbicides and the following equipments, namely :-

(a) Filters ;

(b) Dripliers, Driplines and Drip-fittings;

(c) Micro sprinklers and misters;

(d) Agriculture sprinklers;

(e) Fertilizer Tanks;

(f) Valves;

(g) Fertilizer pumps and chemical injections;

(h) Crates, drums and preservation media (Such as acetic acid and vinegar);

(i) Grading Tables ;

(j) Green House equipment, accessories, heated rooting tables, propagation trays, seeding machines ;

(k) Plants or parts there of, seeds, saplings, tubers, bulbs, rhizomes, root cuttings, all types of grafts, tissue culture material and other vegetatively propagated material utilized for sowing or planting;

(l) Growing media such as Peat Moss (including peat litres whether or not agglomerated), Pearlite/ verniculate, rockwool, coca peat, hydrocorn, foam based medium and other cultivation medium:

Provided that the removal of such items shall be subject to following conditions, namely:-

(i) supply of inputs by Unit to the contract farm(s) shall be subject to the input-output norms as may be approved by the Board;

(ii) there shall be contract farming agreement between the Unit and the Domestic Tariff Area farmer(s);

(iii) the Unit has been in existence for at least two years and is engaged in export of agriculture or horticulture products;

Provided that bank guarantee equivalent to the duty foregone on the capital goods or inputs proposed to be taken out shall be furnished to the Specified Officer if the Unit has not been in existence for two years ;

45. Exports.- (1) A Unit may export goods or services as per the terms and conditions of Letter of Approval including agro-products, partly processed goods, sub-assemblies and components except prohibited items under the Import Trade Control (Harmonized System) Classification of Export and Import Items and the Unit may also export by-products, rejects, waste scrap arising out of the manufacturing process.

(2) A Unit, other than a trading or Free Trade and Warehousing or service Unit, may export to Russian Federation in Indian Rupees against repayment of State Credit or Escrow Rupee Account of the buyer, subject to clearance from the Reserve Bank of India, required, if any.

(3) A Unit engaged in development of computer software may undertake export, including export of professional services, using data communication links or do physical exports, including through courier service.

(4) The Foreign Trade Policy restrictions on State Trading Enterprises shall not apply to Special Economic Zone manufacturing Units:

Provided that export of iron ore shall be subject to conditions as may be laid down by the Central Government from time to time.

(5) Minimum export price and requirements of export in consumer pack as provided for in the Foreign Trade Policy shall apply in case the raw materials are procured indigenously and exported without further processing or manufacturing activities.

(6) The export of textile items shall be governed by bilateral agreements, if any.

(7) A Unit may export free samples without any limit, including samples made in wax moulds or silver mould or non precious metal alloy or rubber moulds through all permissible modes of export.

46. Procedure for Export.- (1) The procedure for export from Special Economic Zone through seaports or airports or Inland Container Depot or Container Freight Station or Land Customs Station or by Post or by Courier or by Personal Carriage, as the case may be, shall be as under:-

(a) the Unit shall file Shipping Bill, in quadruplicate, with the Authorized Officer of Customs in the Special Economic Zone together with relevant documents, namely, invoice, packing list and Currency Declaration Form (GR) (in duplicate):

Provided that there shall be exemption from declaration in the forms, GR or SDF or PP or SOFTEX as referred in the Foreign Exchange Management (Export of Goods and Services) Regulations, 2000 notified vide Reserve Bank of India Notification No: FEMA 23/2000-RB dated 3rd May, 2000 as amended from time to time in respect of export value up to US$ twenty five thousand or for export value as may be notified by the Reserve Bank of India, from time to time;

(b) the Shipping Bill shall be registered, assigned a running serial number and assessed by the Authorized Officer in the manner and procedure as is followed in case of exports under free shipping bill without any requirement of the counter signature;

(c) the goods shall not be subjected to routine examination and Let 'Export Order' shall be given on the basis of self certification by the Unit:

Provided that goods may be sealed after examination, as per the norms prescribed for free shipping bills, at the option of the Unit, by the Authorized Officer

Provided further that if services are exported in non-physical form, the export value is to be furnished by the Unit on self certification basis as per the instructions of the Reserve Bank of India.

Explanation.- "Self certification" means the certification regarding sealing of container or package of goods under export given by the Unit and includes the certificate regarding contents and sealing of the container or package given by the owner or the working partner or the Managing Director or the Company Secretary of the said Unit or any person authorized in this behalf by the owner or company or working partner, as the case may be, on the copies of Shipping Bill stating that the package or container in respect of goods under export have been sealed in his presence;

` (d) the goods may be examined at the port, airport Inland Container Depot or Container Freight Station or Land Customs Station only in case of specific intelligence of information after obtaining the written permission of Deputy or Assistant Commissioner of Customs having

jurisdiction over the said port, airport, Inland Container Depot or Container Freight Station or Land Customs Station, as the case may be, in writing;

(e) the Unit may export through Inland Container Depot located in the Special Economic Zone, or through any port or airport or Inland Container Depot:

Provided that in case of export of large quantities of cargo where it may not be possible to ship the cargo from the Special Economic Zone in one consignment, the Specified Officer may allow the export of such cargo on execution of a Bond for the duty involved subject to the condition that the Unit shall submit the proof of export within ninety days of removal of such cargo under Bond, failing which applicable duty on the goods not exported shall be payable in terms of the Bond;

(2) The procudure for export of gems and jewellery shall be as under :-

(i) the shipping bill and the invoice alongwith packing list presented to the authorized officer shall contain the following;

(a) description of the items;

(b) weight and purity of gold or silver or platinum and the type of gems stone, such as, diamond, ruby, sapphire, cubic zircon and the like which has been used for studding and its weight in carats; and

(c) free on board price rate of the jewellery item and quantity in pieces and the total value;

(ii) the Unit may export jewellery on the basis of a notional rate certificate issued by the Nominated Agency and this rate will be based on the prevailing Gold or US Dollar rate and the US Dollar or Indian Rupees rate given in the notional rate certificate:

Provided that the certificate issued by the Nominated Agency shall not precede the date of shipment by more than three working days or as may be notified by Central Government;

(iii) the Unit obtaining gold or silver or platinum from the Nominated Agency on loan basis shall export gold or silver or platinum jewellery within the period prescribed for the same under the Foreign Trade Policy:

Provided that the unit can convert such loan into outright purchase by paying the outstanding loan amount plus interest provided they exercise this option within the period prescribed under the Foreign Trade Policy.

(iv) in the case of export of jewellery on the basis of notional rate certificate issued by the Nominated Agency, the Unit may fix the price and repay the gold loan within the prescribed period for export as may be notified by the Central Government from time to time:

Provided that the price shall be communicated to the Nominated Agency for issue of a certificate showing the final confirmation of the rate to the bank negotiating the document.

(3) Procedure for export of software shall be as under :-

(i) a Unit may export software or processed data, including call center services via data link or internet or e-mail or through other electronic mode and the Software Export Declaration Form for such exports duly certified by Development Commissioner under the Foreign Exchange Management (Export of Goods and Services) Regulation, 2000, shall be submitted, to the authorized dealer within the period specified under the Foreign Exchange Management Act 1999. (42 of 1999);

(ii) a Unit may provide consultancy services "on site" abroad subject to submission of details of the contract or purchase order and foreign exchange remitted and the persons deputed abroad to the Authorised Officer;

(iii) the consideration received by the Unit for providing on site consultancy services in convertible foreign exchange shall be counted for the purpose of calculating postive Net Foreign Exchange Earning under rule 53.

(4) The Unit may export goods by post subject to the procedure applicable to export through Foreign Post Office.

(5) Export through couriers shall be allowed only if the courier is an authorised courier, being registered with the Commissioner of Customs having jurisdiction over the gateway airport and the procedure specified inthe Courier Export and Import (Clearance) Regulations, 1998 shall be followed :

Provided that Goods shall be allowed to be handed over to the courier by the custodian as per the procedure specified by the Specified Officer.

(6). A Unit may export goods to be carried by foreign bound passengers authorized by the Unit in this behalf as personal baggage, subject to the following conditions, namely :-

(i) the Unit shall submit the shipping bill, invoice and Currency Declaration Form (GR) with the authorised officer;

(ii) the Shipping Bill shall be assessed by the Authorised Officer in the same manner as is done in the case of exports under free shipping bill ;

(iii) the goods shall be transferred from the Special Economic Zone to the airport under the cover of assessed shipping bill by the authorized agency approved by the Specified Officer or under escort of Authorized Officer;

(iv) the goods shall be deposited with the warehouse at the airport against a "detention receipt" issed by the Customs authorities at the airport;

(v) the consignment shall be handed over to the authorized passenger at the time of departure on submission of original detention receipt;

(vi) the Unit shall submit to the Specified Officer, the proof of export issued by the Customs authority at the airport within a period of fifteen days from the date of removal of the goods from the Special Economic Zone;

(vii) where the facility of custodian is available in the Special Economic Zone and the Airport, goods shall be transferred and delivered to the authorized passenger at the airport by the custodian.

(viii) personal carriage of spare parts by foreign bound passenger shall be allowed in case the spare parts are required for repairs of exported goods at customer site and following documents shall be submitted as proof of export, namely :-

(a) permission letter from the authorised officer for exports; and

(b) invoice with value.

(ix) personal Carriage of any goods for exports by authorized passenger on Document Against Acceptance or cash on Delivery basis may be allowed provided the Unit submits following documents, namely :-

(a) copy of Shipping Bill; and

(b) the bank certificate for realization of proceeds shall be submitted within thirty days of delivery of the goods.

(x) personal carriage of gems and jewellery items of the value not exceeding US$ two million or orther goods not exceeding rupees five lakhs in value, for holding or participating in overseas exhibitions shall be permitted with the approval of the Development Commissioner and subject to the following conditions, namely :-

(i) the Unit shall declare personal carriage of such goods to the Cusoms authorities at the airport while leaving the country and obtain necessary endorsement; and

(ii) Unit shall bring back goods or repatriate the sale proceeds within forty five days from the date of closure of exhibition through normal banking channels or within such days as may be notified by the Central Government ;

(iii) for personal carriage of goods by foreign bound passenger, the following documents shall be submitted by a Unit as proof of exports, namely.-

(a) copy of shipping bill filed by the Unit;

(b) copy of the Currency Declaration Form filed by the Foreign buyer with the Customs at the time of his arrival;

(c) foreign exchange realisation or encashment certificate from the Bank;

(7) A Unit may display the goods in the showrooms set up at departure lounge in international Airports in India for sale to passengers leaving India subject to the conditions and procedures laid down by the Commissioner of Customs having jurisdicticn of the Airport :

Provided that the items remaining unsold within a period of forty-five days shall be exported or returned to the Unit.

(8) A Unit may export goods, including gems and jewellery, for display or sale in the permitted shops set up abroad or in the show rooms of their distributors or agents:

Provided that the items not sold abroad within a period of one hundred and eighty days from the date of their export shall be imported within a period of forty-five days.

(9) A Unit may export goods, including gems and jewellery for display or participation in exhibitions abroad subject to following conditions, namely:-

(i) the Unit shall give advance intimation to the Development Commissioner to participate in the exhibition abroad or for taking goods abroad for display and sale;

(ii) shipping bill along with relevant documents shall be filed with the authorized officer in the same manner and following the same procedure as applicable to free shipping bill;

(iii) photographs of the items being taken out for exhibition, attested by the Unit, shall be furnished in case of gems and jewellery;

(iv) goods unsold in the exhibition or display tour shall be imported within forty-five days from the completion of the exhibition or within such days as may be notified by the Central Government;

(v) the Unit shall file Bill of Entry for import of unsold goods as required in case of imports and it shall be assessed in the same manner and subject to same procedure as applicable to imported goods;

(vi) the goods so imported shall be allowed admission into the Unit free of duty, subject to establishment of identity of the goods with reference to export documents:

Provided that the examination of goods in such cases shall be restricted to ten per cent. of the consignments at random;

(vii) the Unit shall submit proof of inward remittance in respect of goods sold in the exhibition.

(10) A Unit may export goods and services, through a another Unit or merchant exporter or status holder or Export Oriented Unit or Electronic Hardware Technology Park Unit or Software Technology Park Unit or Bio-technology Park Unit subject to following conditions, namely.-

(i) goods or services shall be manufactured or developed in the Unit concerned;

(ii) requirements of positive Net Foreign Exchange Earning or any other conditions relating to authorized operations shall continue to be discharged by the Unit;

(iii) export orders so procured shall be executed within the provisions of these rules and the goods shall be directly transferred from the Unit to the airport or port of shipment;

(iv) fulfillment of positive Net Foreign Exchange Earning by the unit shall be reckoned on the basis of the price at which the goods or services were supplied by the Unit to the status holder or merchant exporter or other Unit or Export Oriented Unit or Electronic Hardware Technology Park Unit or Software Technology Park Unit or Bio-technology Park Unit;

Provided that such export shall be counted towards fulfillment of obligations of the Unit only.

(11) The procedure for export through a merchant exporter of status holder shall be the following.-

(i) goods shall be exported directly from the Special Economic Zone or through any other port where the merchant exporter files his shipping bill, in which case the goods shall move directly from the Special economic Zone to the said port of export on the basis of pink shipping bill as if these were movement of goods from one Warehouse to another;

(ii) export document shall contain the name of the merchant exporter or the status holder and the Unit;

(iii) merchant exporter or status holder, as the case may be, shall export goods under a free Shipping Bill and submit a disclaimer that no Drawback, Duty Exemption Pass Book credit or fulfillment of export obligation under any export promition scheme under the Foreign Trade Policy shall be availed by him on the goods so exported.

(12) A Uint may transfer goods, including goods imported or procured from Domestic Tariff Area, to another Unit or Export Oriented Unit or Electronic Hardware Technology Pack Unit or Software Technology Park Unit or Bio-Technology Park Unit, subject to the following procudures, namely.-

(i) the receiving Export Oriented Unit or Electronic Hardware Technology Park Unit or Software Technology Park Unit or Bio-technology Park Unit shall file Bill of Entry for warehousing, in quintuplicate along with invoice, procurement certificate issued by the Customs Officer incharge of the receiving Export Oriented Unit or Electronic Hardware Technology Park unit or Software Technology Park unit or Bio-technology Park unit and packing list with the Authorised Officer along with copy of the Letter of Approval and bonding licence:

Provided that in case the receiving Unit is a Special Economic Zone unit, Bill of Entry for home consumption shall be filed in place of Bill of Entry for warehousing

(ii) on the basis of such Bill of Entry assessed by the Authorised Officer, goods shall be allowed to be cleared to receiving Export Oriented Unit or Electronic Hardware Technology Park Unit or Software Technology Park Unit or Bio-technology Park Unit or to a Unit in another Special Economi Zone;

(iii) the receiving Export Oriented Unit or Electronic Hardware Technology Park Unit or Software Technology Park Unit or Bio-technology Park Unit or Special Economic Zone Unit shall submit the re-warehousing certificate to the Authorised Officer having jurisdiction over the supplying Unit within forty-five days, failing which the Authorised Officer shall communicate this fact to the Officer of Customs or Excise having jurisdiction over the Export Oriented Unit or Electronic Hardware Technology Park Unit or Software Technology Park Unit or Bio-technology Park Unit or to the Specified Officer for demand of applicable duty from the receiving Export Oriented Unit or Electroni Hardware Technology Park Unit or Software Technology Park Unit or Bio-technology Park Unit or Unit in another Special Economic Zone, as the case may be;

(iv) Where supplying and receiving units are located in the same Special Economic Zone, movement of goods including raw materials shall be allowed subject to maintenance of accounts by both receiving and supplying Units and no Bill of Entry shall be required to be filed.

(13) The Authorized Officer may permit a Unit to transfer goods to an Export Oriented Unit or Electronic Hardware Technology Park nit or Software Technology Park Unit or Bio-technology Park Unit or to a bonded warehouse, without payment of duty subject to following conditions, namely.-

(i) the Unit shall transfer the goods against Procurement Certificate issued by the Central Excise or Customs Officer in charge of receiving Export Oriented unit or Electronic Hardware Technology Park Unit or Software Technology Park Unit or Bio-Technology park Unit;

(ii) a warehousing Bill of Entry shall be filed by the Export Oriented Unit or Electroni Hardware Technology Park Unit or Software Technology Park Unit or Bio-technology Park Unit or by the supplying Special Economic Zone Unit on behalf of the receiving Export Oriented Unit or Software technology Park Unit or Bio-technology Park Unit, as the case may be, with the Authorised officer;

(iii) export Oriented Unit or Electronic Hardware technology Park Unit or Software Technology Park Unit or Bio-Technology Park Unit shall submit re-warehousing certificate duly signed by the Central Excise or Customs officer having jurisdiction over the receiving Export Oriented Unit or Electronic Hardware Technology Park Unit or Software technology Park Unit or Bio-Technology Park Unit within a period of forty five days from the date of clearance of the goods to the Authorised Officer;

(iv) where the Export Oriented Unit or Electronic Hardware Technology Park Unit Software Technology Park Unit or Bio-Technology Park Unit fails to submit the re-warehousing certificate within the period of forty-five days of clearance of goods, the Authorised officer shall take up the matter with the Central Excise or Customs Officer of the receiving Unit to initiate recovery proceeding against such Export Oriented Unit or Software Technology Park Unit or Bio-technology Park Unit, as the case may be;

(v) where goods admitted into a Unit from Domestic Tariff Area on which entitlement under Duty Exemtion Pass Book Scheme had been availed are removed as such or after subjecting it to a process not amounting to manufacture to an Export Oriented Unit or Electronic Hardware Technology Park Unit or Software Technology Park Unit or Bio-Technology Park Unit directly or through a Unit in the same Special Economic Zone, the Customs duty equal to entitlement availed under the Duty Exemption Pass Book Scheme shall be paid.

CHAPTER-V

CONDITIONS SUBJECT TO WHICH GOODS MAY BE REMOVED FROM A SPECIAL ECONOMIC ZONE TO THE DOMESTIC TARIFF AREA

47. Sales in Domestic Tariff Area.- (1) A Unit may sell goods and services including rejects or wastes or scraps or remnants or broken diamonds or by products arising during the manufacturing process or in connection therewith, in the Domestic Tariff Area on payment of Customs duties under section 30, subject to the following conditions, namely.-

(a) Domestic Tariff Area sale under sub-rule (1), of goods manufactured by a unit shall be on submission of import licence, as applicable to the import of similar goods into India, under the provisions of the Foreign Trade Policy;

Provided that goods imported or procured from the Domestic Tariff Area and sold as such without being subjected to any manufacturing process shall be subject to the provisions of the Foreign Trade Policy as applicable to import of similar goods into India.

(b) Domestic Tariff Area sale under sub-rule (1) of rejects or scrap or waste or remnants arising during the manufacturing process or in connection there-with by the Unit shall not be subject to the provisions of Import Trade Control (Harmonized System) of Classification of Export and Import Items;

Provided that the Central Government may notify restrictions, as it deems fit on all or any class of such goods mentioned under this clause.

(2) Scrap or dust or sweeping of gold or silver or platinum may be sent to Government of India Mint or Private Mint from a Unit and returned in standard bars in accordance with the procedure specified by Customs authorities or may be sold in the Domestic Tariff Area on Payment of duty on the gold or silver or platinum content in the said scrap:

Provided that the value of samples of gold or silver or platinum sweepings or scrap or dust taken at the time of clearance and sent to the Government Mint or Private Mint for assaying and assessment shall be finalized on the basis of reports received from the Government Mint or Private Mint, as the case may be.

(3) Surplus power generated in a Special Economic Zone's Developer's Power Plant in the SEZ or Unit's captive power plant or diesel generating set may be transferred to Domestic Tariff Area on payment of duty on consumables and raw materials used for generation of power subject to the following conditions, namely:-

(a) proposal for sale of surplus power received by the Development Commissioner shall be examined in consultation with the State Electricity Board, wherever considered necessay :

Provided that consultation with State Electicity Board shall not be required for sale of power within the same Special Economic Zone;

(b) norms for productin of a unit of power shall be approved by the Approval Committee;

(c) sale of surplus power to other Unit or Developer in the same or other Special Economic Zone or to Export Oriented Unit or to Electronic Hardware Technology Park Unit or to Software Technology Park Unit or Bio-technology Park Unit, shall be without Payment of duty;

(d) for sale of surplus power in Domestic Tariff Area, the Unit shall obtain permission from the Specified Officer and the State Government authority concerned;

(e) duty on sale of surplus power to the Domestic Tariff Area shall be as provided for in this rule.

(4) Valuation and assessment of the goods cleared into Domestic Tariff Area shall be made in accordance with Customs Act and rules made there under.

48. Procedure for sale in Domestic Tariff Area:- (1) Domestic Tariff Area buyer shall file Bill of Entry for home consumption giving therein complete description of the goods and/or services namely, make and model number and serial number and specification along with invoice and packing list with the Authorised Officers:

Provided that the Bill of Entry for home consumption may also be filed by a Unit on the basis of authorization from a Domestic Tariff Area buyer.

(2) Valuation of the goods and/or services cleared into Domestic Tariff Area shall be determined in accordance with povisions of Customs Act and rules made there under as applicable to goods when imported into India;

Provided that where the goods are supplied in Domestic Tariff Area by a contract manufacturing Unit on the instructions of an Overseas entity, the Bill of Entry shall be filed by the Domestic Tariff Area buyer on the basis of transaction value recorded on the commercial! invoice issued by the Overseas entity.

(3) Where goods procured from Domestic Tariff Area by a Unit are supplied back to the Domestic Tariff Area, as it is or without substantial processing, such goods shall be treated as re-imported goods and shall be subject to such procedure and conditions as applicable in the case of normal re-import of goods from outside India:

Provided that in the case where such goods are supplied back to the Domestic Tariff Area, as it is, and where the import duty on such goods is 'Nil" and while procurement of such goods no export benefits were allowed against such goods, the Unit may be allowed to supply back such goods to Domestic Tariff Area on the basis of invoice only and filing of Bill of Entry in such cases shall not be required.

49. Domestic Tariff Area removals - abatement of duties in certain cases.- (1) A Unit may remove capital goods to Domestic Tariff Area after use in Special Economic Zone on payment of duty as under:-

(a) duty shall be levied on such goods on the depreciated value there of and at the rate in force on the date of removal of the goods;

(b) depreciation in value shall be allowed for the period from the date of commencement of prodution or where such capital goods have been received in the Unit after such commencement of production from the date such goods have been put to use for production till the date of presentation of Bill of Entry for home consumption;

(c) depreciation shall be allowed in straight line method as specified below, namely-

(i) for computer and computer peripherals for every quarter in the first vear at the rate of ten percent. for every quarter in the second year at the rate of eight percent. for every qurter in the third year at the rate of five per cent. for every quarter in the fourth and fifth year at the rate of one per cent;

(ii) for capital goods other then computer and computer peripherals for every quarter in the first year at the rate of four percent. for every quarter in the second year at the rate of three per cent. for every quarter in the third year at the rate of three per cent. for every quarter in the fourth and fifth year at the rate of two and half per cent. and thereafter for every quarter at the rate of two percent.

Explanation.- For the purpose of computing depreciation for any part of a quarter, the rate applicable to such quarter in full shall be considered;

(2) Goods supplied by a Unit to Domestic Tariff Area on peyment of duty may be brought back to the Unit for the purpose of repair within a period of six months from the date of clearance, or within such period as may be extended by the Specified Officer or within the warranty period whichever is later, on payment of duty on the value of repairs subject to the condition that the identity of goods is established to the satisfaction of the Specified Officer;

(3) Goods on which any export entitlements were availed at the time of procurement of goods may be supplied back to the Domestic Tariff Area on payment of duty equivalent to the export entitlements availed subject to the condition that the identity of goods being supplied back to the Domestic Tariff Area is established to the satisfaction of the Specified Officer:

Provided that where no export entitlements are availed, such goods may be supplied back to the Domestic Tariff Area without payment of duty.

(4) A Unit may remove following goods from the Special Economic Zone to Domestic Tariff Area without payment of duty :-

(a) goods imported and admitted into the Special Economic Zone after payment of applicable duty and such goods are cleared into Domestic Tariff Area, without any processing, subject to the condition that the identity of goods is established to the satisfaction of the Specified Officer;

(b) used packing materials except metal containers;

(c) Computer and computer peripherals, including printer, plotter, scanner, monitor, key board and storage units (whether imported or procured from Domestic Tariff Area) donated with the approval of the Specified Officer to the recognized non-commercial educational institutions or registered charitable hospitals or public libraries or, public funded research and development establishments or organizations of Government of India or Government of a State or Union Territory, after two years of admission of goods and use by a Unit,

50. Temporary Removals to Domestic Tariff Area.- (1) The Unit may temporarily remove following goods to Domestic Tariff Area without payment of duty, namely:-

(a) capital goods and parts there of for repairs and return thereof;

(b) goods for display, export promotion, exhibition and return thereof;

(c) goods for job work, test, repair, refining and calibration and return thereof;

(d) laptop or notebook computers or video projection systems for use by authorized employees of a Unit or developer;

(e) any other goods with the prior approval of the Authorized Officer.

(2) A Unit may transfer goods to Domestic Tariff Area or abroad for repair or replacement or testing or calibration, quality testing and research and development purposes under intimation to the Specified Officer and on maintenance of records for movement of such goods.

(3) A Unit may transfer goods for quality testing or research and development purposes, to any recognized laboratory or institution, without payment of duty, on giving an undertaking to the authorized officer for the return of such goods:

Provided that if such goods have been consumed or destroyed in the process of testing or at the time of research and development, a certificate from the laboratory or institution to that effect shall be furnished to the Specified Officer by the Unit.

51. Procedure for temporary removals in Domestic Tariff Area.- (1) Removal of goods for the activities covered under sub-rule (1) to (3) of rule 50 shall be undertaken by the Unit on the cover of serially-numbered pre-authenticated challans, authenticated by the Managing Director or owner or working partner or the Company Secretary or by any person duly authorized in this behalf by the Company or owner or working partner;

(2) Before making use of pre-authenticated serial numbered challans, the serial numbers of the same shall be intimated to authorized officer.

(3) Identification marks, namely, make and model and serial number and specification of the goods received back after such test or repair or calibration or re-engineering or re-conditioning should match with those mentioned in the pre-authenticated challan issued by the authorized representative of the Unit and signed by the Authorized Officer at the time of taking out such goods into Domestic Tariff Area;

(4) The goods shall be brought back to the Special Economic Zone within one hundred and twenty days from the date of taking the goods out of the Special Economic Zone or within such extended period as may be permitted by the Specified Officer;

(5) If a Unit fails to bring back the goods into Special Economic Zone within the period specified in sub-rule (4), the duty applicable on such goods shall be paid by the Unit;

(6) Subject to the provisions in sub-rule (1), the Unit may remove goods, including capital goods, to another unit in the same or in another Special Economic Zone, or to Export Oriented Unit or to Electronic Hardware Technology Park Unit or to Software Technology Park Unit or Bio-technology Park Unit or to a domestic tariff area unit for test or repairs or calibration or re-engineering or re-conditioning and return;

Provided that transfer of goods within the same Special Economic Zone shall be undertaken on maintenance of records by the supplying and receiving units.

(7) A Unit may take out lap-top computers and video projection system(s) out of the Special Economic Zone temporarily for use by the authorized employees of such unit subject to following procedure, namely:-

(a) Unit shall account for the laptop computers and video projection system(s) ;

(b) Unit shall issue a certificate authorizing the employee by name and giving the full specification, namely, serial number and model number and make of the laptop computers and video projection system intended to be taken outside the processing area temporarily and a copy of the certificate shall be endorsed to Specified Officer and acknowledgement received by the Unit;

(c) Unit shall maintain a record of such certificate of authorizastion issued under clause (b) for temporary removal of laptop computer or video projection system.

52. Other Entitlements.- (1) Supplier of precious and semi-precious stones and synthetic stones and processed pearls from Domestic Tariff Area to Units shall be eligible for grant of Replenishment Licence as provided under the Foreign Trade Policy and Handbook:

Provided that the application for the Replenishment Licence shall be made to the Development Commissioner.

(2) Free on Board value of export of the Unit can be clubbed with Free on Board value of export of entrepreneur in the Domestic tariff Area or vice versa for the purpose of according status holder certificate.

(3) A Unit may retain hundred per cent. of their export proceeds in their Foreign Currency account.

(4) Software units may be allowed to use the computer system for training purpose (including commercial training) subject to the condition that no computer terminal shall be installed outside the Special Economic Zone premiss for this purpose.

(5) A Uint may install one fax machine imported or procured duty free at a place of its choice, outside the Special Economic Zone, subject to intimation of its location to the Specified Officer.

(6) The Unit may install personal computers not exceeding two in number imported or procured duty free in the registered or administrative office and the Unit may also install equipments like modern etc. required for the purpose of electronic connectivity.

(7) For information technology and information technology enabled services, persons authorized by the software units may access the facility installed in the Unit through communication links.

CHAPTER-VI

FOREIGN EXCHANGE EARNING-REQUIREMENTS AND MONITORING

53. Net Forign Exchange Earnings.- The Unit shall achieve Positive Net Foreign Exchange to be caluclated cumulatively for a period of five years from the commencement of production according to the following formula, namely:-

Positive Net Foreign Exchange = A-B>0

where :

A: is Free on Board value of exports, including exports to Nepal and Bhutan against freely convertible currency, by the Unit and the value of following supplies of their products, namely :-

(a) supply of goods against Advance Licence or Duty Free Replenishment Certificate under the Duty Exemption or Remission Scheme or Diamond Imprest Licence under the Foreign Trade Policy;

(b) supply of capital goods to holders of licence under the Export Promotion Capital Goods scheme under the Foreign Trade policy;

(c) supply of goods to projects financed by multilateral or bilateral agencies or funds as notified by the Department of Economic Affairs, Ministry of Finance under International Competitive Bidding in accordance with the procedures of those agencies or funds, where the legal agreements provide for tender evaluation without including the customs duty;

(d) supply of capital goods, including those in unassembled or disassembled condition as well as plants, machinery, accessories, tools, dies and such goods which are used for installation purposes till the stage of production and spares to the extent of ten per cent. of the free on rail value to fertilizer plants;

(e) supply of goods to any project or purpose in respect of which the Ministry of Finace, by a notification, permits the import of such goods at zero customs duty;

(f) supply of goods to the power projects and refineries not covered in (e) above;

(g) supply to projects funded by United Nations Agencies;

(h) supply to goods to nuclear power projects through competitive bidding as opposed to International Competitive Bidding;

(i) supply made to bonded warehouses set up under the Foreign trade Policy or under section 65 of the customs Act and free trade and warehousing zones, where payment is received in foreign exchange;

(j) supply against special entitlements of duty free import of goods under the Foreign Trade Policy;

(k) export of services by services units including services rendered within Special Economic Zone or services rendered in the Domestic Tariff Area and paid for in free foreign exchange or such services rendered in Indian Rupees which are otherwise considered as having been paid for in free foreign exchange or such services rendered in Indian Rupees which are otherwise considered as having been paid for in free foreign exchange by the Reserve Bank of India;

(i) supply of Information technology Agreement items and notified zero duty telecom or electronic items, namely, color Display Tubes for monitors and Deflection components for color monitors or any other items as may be notified by the Central Government;

(m) supply to other units and Developers in the same or other Special Economic Zone or Export Oriented Unit or Electronic Hardware technology Park or Software Technology Park Units or Bio-technology Park Unit provided that such goods and services are permissible for import or procurment by such units and Developers;

(n) supply of goods to Domestic Tariff Area against payment in foreign exchange from the Exchange Earners Foreign Currency account of the Domestic Tariff Area buyer or Free Foreign Exchange received from overseas;

(o) supply of goods against free foreign exchange by a Free Trade and Warehousing Zone Unit;

Explanation: For the proposes of this sub-rule, the supplies under clause (m) shall be against procurement certificate, as applicable and the supplies under clauses (d) to (h) and (j) shall be as per the terms and conditions of the respective duty exemption notified by the Central Government, in the Ministry of Finance;

and

B; Consist of sum of the following :-

(a) sum total of the Cost Insurance and Freight value of all imported inputs used for authorized operations during the relevant period and the Cost Insurance and Freight value of all imported capital goods including goods purchased on high seas basis even though paid for in Indian Rupees and the value of all payments made in foreign exchange by way of export commission, royalty, fees, dividends, interest on external commercial borrowings during the first five year period or any other charges;

(b) value of goods obtained from other Unit or Export Oriented Unit or Electronic Hardware Technology Park or Software Technology Park Unit or Bio-technology Park Unit or from bonded warehouses or procured from nominated agencies;

(c) the Cost Insurance Freight value of the goods and services, including pro-rata Cost Insurance Freight of capital goods, imported duty free or leased from a leasing company or received free of cost and or on loan basis or on transfer for the period they remain with Unit;

Explanation :- for the purposes of this sub-rule "Inputs" mean raw materials, intermediates, components, consumables, parts and packing materials.

(d) for annual calculation of Net Foreign Exchange, value of imported capital goods and lump sum payment of foriegn techical know-how fee shall be amortized at the rate of ten per cent. every year from the first year to tenth year.

54. Moitoring of performance.- (1) Performance of the Unit shall be monitored by the Approval Committee as per guidelines given in Annexure appended to these rules.

(2) In case the Approval Committee come to the conclusion that a Unit has not achieved positive Net Foreign Exchange Earning or failed to abide by any of the terms and conditions of the Letter of Approval or Bond-cum-Legal Undertaking, without prejudice to the action that may be taken under any other law for the time being in force, the said Unit shall be liable for penal action under the provisions of the Foreign Trade (Development and Regulation)Act, 1992

CHAPTER-VII
APPEAL

55. Form of Appeal.- Any person aggrieved by an order passed by the Approval Committee under section 15 or against cancellation of Letter of Permission under section 16, may prefer an appeal to the Board in the Form J.

56. Time within which appeal is to be preferred.- (1) An appeal shall be preferred by the aggrieved person within a period of thirty days from the date of communication to him of the order of the Approval Committee under rule 18;

(2) When the appeal is preferred after the expiry of the period of thirty days specified in sub- rule (1), it shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant relies to satisfy the Board that he has sufficient cause for not preferring the appeal within the said period of thirty days:

Provided that if the Board is satisfied that the appellant had sufficient cause for not preferring the appeal within the aforesaid period, it may for reasons to be recorded in writing, admit the appeal after the expiry of the aforesaid period but before the expiry of forty-five days from the date of communication to him of the order of the Approval committee.

57. Payment of fees.- (1) Every appeal shall be accompanied by a fee of rupees two thousand and five hundred;

(2) The amount of fees shall be deposited by way of a Demand Draft, drawn in favour of pay and Accounts Officer, Department of Commerce, New Delhi.

58. Contents of appeal.- Every appeal filed under rule 55 shall be written in English or Hindi and shall set forth concisely under distinct heads the grounds of appeal and such grounds shall be numbered consecutively.

59. What to accompany form.- Every appeal shall be filed in the Form J in duplicate and shall be accompanied by two copies (at least one of which shall be certified copy) of the order of the Approval Committee appealed against and other documents to support the grounds of objection mentioned in the appeal:

Explanation:- For the purpose of this rule "certified copy" includes the copy which was originally supplied to the appellant as well as a photostat copy thereof duly authenticated by the appellant or his authorised representative as a true copy.

60. Filing of affidavits.- Where a fact which cannot be borne out by, or is contrary to, the record is alleged, it shall be stated clearly and concisely and supported by a duly sworn affidavit.

61. Rights of Appellant to appear before the Board.- Every appellant may appear before the Board in person or authorize one or more chartered accountants or company secretaries or cost accounts or legal practitioners or any of his or its officers to present his or its case before the Board.

Explanation: for the purpose of this rule,-

(a) "chartered accountant" means a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949 and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;

(b) "company secretary" means a comapany secretary as defined in clause (c) of sub-section (1) of section 2 of the Company Secretaries Act, 1980 and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;

(c) "cost accountant" means a cost accountant as defined in clause (b) of sub-section (1) of section 2 of the Cost and Works Accountants Act, 1959 and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;

(d) "legal practitioner" means an advocate, vakil or an attorney of any High Court, and includes a pleader in practice.

62. Authorisation to be filed.- An authorised representative appearing for the appellant at the hearing of an appeal shall file an authorization from the appellant to the Board before the commencement of the hearing.

63. Procedure for filing appeal.- (1) An appeal shall be preferred by the appellant or his authorised representative and be sent to the Board of Approval (Deputy Secretary, Ministry of Commerce and Industry, Department of Commerce, Udyog Bhavan, New Delhi- 110011);

(2) An appeal sent by post under sub-rule (1) shall be deemed to have been preferred to the Board on the day on which it is received in the office of the Member Secretary to the Board at Delhi.

64. Furnishing of information and documents.- (1) The Board may, before considering the appeal, require the appellant or the Approval Committee or both to furnish such further information and documents, as it considers necessary.

(2) Parties concerned shall furnish such information and documents within thirty days of such order.

65. Date and place of hearing of appeal to be communicated .- The Board shall communicate, before considering the appeal, to the appellant the date and place of the hearing of the appeal.

66. Hearing of appeal.- (1) On the day fixed or on any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. The Board shall, then, if necessary, hear the Approval Committee or its authorised representative against the appeal and in such case the appellant shall be entitled to reply.

(2) In case the appellant does not appear inperson or through an authorised representative when the appeal is called for hearing, the Board may dispose of the appeal on merits:

Provided that where an appeal has been disposed of as provided above and the appellant appears afterwards and satisfies the Board that there was sufficient cause for his non-appearance, when

the appeal was called for hearing, the Board shall make an order setting aside the exparte order and restore the appeal.

67. Orders by the Board.- shall ,-

(a) after considering the appeal preferred to it under rule 55;

(b) after considering further documentary evidence referred to in rule 64, and

(c) after giving hearing under rule 66;

pass such orders or give such directions as may be necessary or expedient to give effect to, or in relation to, its orders.

68. Order to be signed and dated.- The Board shall be in writing and shall be signed and dated.

69. Order to be communicated to the party.- The Board shall, after the order is signed, cause it to be communicated to the appellant and to the Approval Committee.

CHAPTER VIII
MISCELLANEOUS

70. Identity Cards.- (1) The entry of persons to the processing area of the Special Economic Zone shall be regulated by the Development Commissioner through issue of identity cards.

(2) The identity card shall be valid upto a period of five years and shall be issued, in the format given in Form K, to the entrepreneurs and regular employees of the Units:

Provided that when any employee who has been issued an identity card ceases to be. in employment of the Unit or Developer, the said identity card shall be surrendered forthwith and shall be deemed to be invalid from such date;

(3) Temporary identity card may be issued by the Development Commissioner to the casual visitors and contractors and a proper record of such entries shall be maintained at the Special Economic Zone Gate;

71. Foreign Exchange Remittances.- Export value of goods, software and servises may be realized and repatriated as per instructions of the Reserve Bank of India issued from time to time.

72. Revival of sick units.- (1) A unit which has been declared sick by the appropriate authority shall submit a revival package through Development Commissioner to Board for consideration and the Board shall consider the extension in the period for fulfillment of Positive Net Foreign Exchange for a further period up to a maximum of five years at the prevalent norms.

(2) On extension of the period, unutilized raw material and imported or domestically procured capital goods shall be allowed to be carried forward at their original value and the Bond-cum-Legal Undertaking executed by the unit shall be revised accordingly.

(3) In case a new entity is willing to takeover all the assets and liabilitied of a sick Unit, transfer of such assets and liabilities as provided under sub-rule (1) shall be considered by the Board.

(4) Where a Unit is granted extension of period for fulfillment of Positive Net Foreign Exchange Earning under sub-rule (1), the space would continue to be in its possession.

(5) Where a Unit is taken over by another unit, the liability shall pass on to the new unit which is taking over the sick unit.

73. For the period when the Specified Officer is not posted in a Special Economic Zone, an officer of customs, not below the rank of a Gazetted Officer of Customs, authorized by Development Commissioner shall discharge duties and functions of the Specified Officer.

74. Exit of Units.- (1) The Unit may opt out of Special Economic Zone with the approval of the Development Commissioner and such exit shall be subject to payment of applicable duties on the imported or indigenous capital goods, raw materials, components, consumables, spares and finished goods in stock :

Provided that if the unit has not achieved positive Net Foreign Exchange, the exit shall be subject to penalty that may be imposed under the Foreign Trade (Develoment and Regulation) Act, 1992

(2) The following conditions shall apply on the exit of the Unit, namely.-

(i) Penalty imposed by the competent authority would be paid and in case an appeal against an order-imposing penalty is pending, exit shall be considered if the unit has obtained a stay order from competent authority and has furnished a Bank Guarantee for the penalty adjudicated by the appropriate authority unless the appellate authority makes a specific order exempting the Unit from this requirement ;

(ii) In case the Unit has failed to fulfill the terms and conditions of the Letter of Approval and penal proceedings are to be taken up or are in process, a legal undertaking for payment of penalties, that may be imposed, shall be executed with the Development Commissioner ;

(iii) The Unit shall continue to be treated a unit till the date of final exit.

(3) In the event of a gems and jewellery unit ceasing its operation,gold and other precious metals, alloys, gem and other materials available for manufacture of jewellery shall be handed over to an agency nominated by the Central Government at a price to be determined by that agency.

4) Development commissioner may permit a Unit,as one time option, to exit from Special Economic Zone on payment of duty on capital goods under the prevailing Export Promotion Capital Goods Scheme under the Foreign Trade Policy subject to the Unit satifying the eligibility criteria under that Scheme.

5) Depreciation norms for capital goods shall be as given in sub-rule (1) of rule 49.

75. **Self Declaration.-** Unless otherwise specified in these rules all inward or outward movement of goods into or from the zone by the Unit or Developer shall be based on self declaration made and no routine examination of these goods shall be made unless specific orders of the Development Commissioner or the Specified Officer are obtained.

76. The " services" for the purposes of sub-clause (z) of section 2 shall be the following namely:

Trading, warehousing research and development services, computer software services, including information enabled services such as back-office operations, call centers, content development or animation data processing, engineering and design, graphic information system services, human resources services, insurance claim processing legal data bases, medical transcription, payroll, remote maintenance, revenue accounting, support centers and web-site services, off-shore banking services, professional services (excluding legal services and accounting) rental/leasing services without operators, others business services, courier services, audio-visual services, construction and related services, distribution services (excluding retail services) educational services, environmental services, financial services, hospital services, other human human health services, tourism and travel related services, recreational, cultural and sporting services, entertainment services,transport services, services auxiliary to all modes of transport, pipelines transport.

77. **Procedure for withdrawal or cancellation of exemptions, conceeions, drawbacks or any other benefits to a Unit.-** (1) Where the Letter of Approval has been cancelled under section 16, the Unit shall furnish to the Development Commissioner within thirty days of the cancellation of the Letter of Approval the details of the exemptions, drawbacks, concessions and any other benefit in respect of the Capital Goods, finished goods, raw materials and consumables lying in stock, relatable to the Unit and the Development Commissioner shall direct the Specified Officer to determine the amount to be remitted to the Government by the Unit in the form of Customs Duty.

2) The Specified Officer shall, based on the details provided by the Unit shall assess and communicate the quantum of amount to be remitted by the unit for clearing the said goods in the Domestic Tariff Area, which shall be trmitted within a period of three months from the date of communication:

Provided, however, that period of three months may be extended for a futher period not exceeding three months, by the Development Commissioner for valid reasons to be recorded in writing:

provided futher that the amount to be remitted shall not exceed the exemptions drawbacks and concessions availed of by the Unit on such goods and/or the Customs Duty payable on such finished goods when imported into India.

3) Notwithstanding the provisions of sub-rule (1) and (2) the Unit shall export or transfer the said goods, against duty-free licence without remitting the exemptions, drawbacks, concessions or any other benefits availed in respect of such goods:

Provided that in respect of Capital Goods, transferred against Export Promotion Capital Goods Scheme licence, the Unit shall remit the duties as may be applicable under the provisions of the Export Promotion Capital Goods Scheme.

4) Where in the case of an entrepreneur whose Letter of Approval has been cancelled and who fails to comply with the conditions of removal of all goods within the prescribed period as provided in sub-rule (2), the Development Commissioner shall take over possession of such goods excluding hypothecated goods and dispose off the same through public auction subject to the condition that the

sale proceeds of such auction shall be deposited in a designated account and apporitionment of such procceds shall take place in the manner as approved by the Central Goverment.

5) An entrepreneur whose Letter of Approval has been cancelled and has failed to meet positive net foreign exchange earning as required under rule 52, it shall be liable for payment of penalty as may be imposed by the adjudicating authority in accordance with the provisions of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992).

Provided that raw materials,components, consumables and spares procured from Domestic Tariff Area held in stock at the time of cancellation of Letter of Approval,on which any export entitlements were availed shall be removed to the Domestic Tariff Area on payment of additional duty equivalent to the export entitlements availed:

Provided futher that goods on which no export entitlements or duty exemption were availed on their procurement from Domestic Tariff Area, shall be removed to Domestic Tariff Area, without payment of duty.

APPLICATION FOR SETTING UP OF SPECIAL ECONOMIC ZONE
(see rule 3)

I Name and address of the Undertaking in full (Block Letters)

Name of the Applicant --
Full Address --
(Regd. Office in case of limited companies & Head Officer for others --
pin Code --
Tel, No. --
Fax No. --
Permanent E-Mail Address --
Name and address of each of the Directors/ partners/ Promoters, as the case may be --

II Nature of the applicant Firm or Company:

(a) Public Limited Company
(b) Private Limited Company
(c) Proprietorship
(d) Partnership
(e) Others (Please specify)

Note: Copy of certificate of incorporation along with Article of Association and Memorandum in case of companies and partnership deed in case of partnership firms may please be attached.

III (i) Location of the proposed Special Economic Zone:
Whether the proposal is for
(a) Special Economic Zone for Multi Product
(b) Special Economic Zone for Specific Sector
(c) Free Trade and Warehousing Zone.
(Tick[ ] as applicable)

IV (a) Distance from the nearest Sea port or Airport or Rail or Road head to the proposed Special Economic Zone
(b) indicate the area of the proposed Special Economic Zone (in hectares)
(c) Whether the applicant is owner of the land and the land is in his its possession.
(d) In the case of lease hold land, name of the lessor and the lease conditions.
(e) If the land is not in ownershop or possession, steps being taken for acqusition of land.
(f) Whether the area is contiguous or not or whether there is any thorough fare?

V Proposed Financial/Investment Details:
(i) Cost of Land.
(ii) Cost of proposed infrastructure, namely:
(a) Development of land.
(b) Boundary walls, roads, drainage, water supply, electricity, etc.

(c) Ready Built up factory premises.
(d) Port.
(e) Airport.
(f) Others, if any, give details.
(iii) Total Investments

VI. Means of Financing
a) Equity Capital
b) Term Loan
c) External Commercial Borrowings, if any, furnish details
d) Any other source
Total

VII Equity including Foreign Investment

(i)	$ Thousand)	(Rs. lakhs)
(a) Authorized	-----------------	----------------
(b) Subscribed	-------------------	------------------
(c) Paid up Capital	-------------------	------------------

Note: If it is an existing company, please give the break up of the existing and proposed capital structure

(ii) Pattern of share holding in the paid-up capital (Amount in Rupees)

	(Rs, in lakhs)	(US $ Thousand)
(a) Foreign holding	-----------------	-------------------------
(b) Non Resident Indian company/ individual holding		
(i) Repatriable	-------------------	--------------------------
(ii) Non-repatriable	-------------------	---------------------------
(c) Resident holding	--------------------	---------------------------
(d) Total	--------------------	---------------------------

VIII Development of identified area as Special Economic Zone Give the following details:
Area in hectares
(i) Total area proposed for development as Special Economic Zone
(ii) Area proposed to be developed as processing area.
(iii) Development activities proposed in the processing area, namely:
(a) site development,
(b) construction of boundary walls
(c) constrction of roads,
(d) installation of water supply and sanitation and sewage syatems,
(e) power distribution system,
(f) telecom facilities,
(g) construction of factory buildings and warehouses,
(h) Any other activity which may be required in the processing area.
(iv) Area proposed to be developed as non-processing area.
(v) Activities proposed in the non-processing area, namely:
(a) Residential.
(b) Commercial complex.
(c) Recreation facilities.
(d) Social amenities -give details
(e) Other-specify.
(vi) Standards of operation and maintenance of the facilities proposed

IX Indicate exports and direct and indirect emploment likely to be generated during the first five year period.
(Attach a project Report outlining the economic and commercial viability of the proposal)

X Has the applicant obtained any other SEZ/s, if so, details may be given and/or whether any such application is pending consideration before the State Government or Government of India?

XI Has the applicant or anyof his partners/ Directors who are also partners/ Directors of any other company or its associate concerns are being proceeded against and have been debarred from getting any License or Letter of Intent or Letter of Permission under the Foreign Trade

(Development and Regulation) Act, 1992/Custom Act, 1962/ Foreign Exchange Management Act, 1999/Central Excise Act, 1944.

Place: Signature of the Applicant ----------------------
Date: Name in Block Letters ----------------------
Designation ----------------------
Official seal/Stamp-------------- Tel. No. --------------------------
E-mail --------------------------
Web-Site, if any --------------------------
Full Residential Address -------------------------

Note: Furnish 25 copies of the application with project report.

UNDERTAKING

I/We hereby undertake to abide by the provisions of the Special Economic Zones Act, 2005 and rules and orders made there-under.

I/We hereby declare that the above statements are true and correct to the best of my/our knowledge and belife I/We will abide by any other condition, which may be stipulated by the Government of India or the State Government. I/We fully understand that any Letter of Approval granted to me/us on the basis of the statement furnished is liable to cancellation or any other action that may be taken having regard to the circumstsnces of the case if it is found that any of the statements or facts therein are incorrect or false. An affidavit duly sworn in support of the above information is enclosed.

Place: Signature of the Applicant ---------------------------
Date: Name in Block Letters ---------------------------
Official/Seal/Stamp------ Tel. No. ---------------------------
E-mail ---------------------------
Web-site, if any ----------------------------
Full Residential Address ---------------------------

Form-B

(FORMAT FOR LETTER OF APPROVAL FOR SEZ DEVELOPER)

(see rule 6)

No. EPZ

Government of India

Ministry of Commerce & Industry

Department of Commerce

(SEZ Section)

Dated the

To,

Subject: Setting up of Special Economic Zone at-----------------------

Reference: Your proposal/s No. ---------------------dated -------------------

Sir (s),

With reference to your above mentioned application, Government of India is pleased to approve your proposal for development, operation and maintenace of the Special Economic Zone (SEZ)at village-- --------- District-------------- in the State of -------------- as per details given below:

I PROPOSAL and PROJECT DETAILS:To set up a Spcecial Economic Zone for multi-product or a Special Economic Zone for specific secific sector over an area of -------------at---------- (Place,District and Name of the state).

II DEVELOPER:------------------ (Name of the developer)

III General Conditions:

(i) The Developer shall develop, operate and maintain the Special Economic Zone in terms of the Special Economic Zones Act, 2005 and the rules made there-under.

(ii) The Developer shall execute Bond-cum-Legal Undertaking as required under rules 12 and 22 of the Special Economic Zone Rules, 2006 for the authorised opertions.

(iii) The Developer shall obtain the required approval from various statutory authoriries under relevant statutes and regulations of the Government of India and the State Government and local bodies.

(iv) The Developer shall make adequate provision for rehabilitation of the displaced persons.

(v) The project shall be implemented and operated in terms of the Special Economic Zones Act, 2005 and the rules and orders made there-under.

(vi) The Developer shall conform to the environmental requirements.

(vii) The Developer shall abide by the local laws, rules, regulations or bye-laws in regard to area planning, sewerage disposal, pollution control, labour laws and the like as may be locally applicable.

(viii) The Developer shall raise the required funds for the project. External commercial borrowing, if any, will be as per the guidelines of the Ministry of Finance,Department of Economic Affairs, Government of India, New Delhi.

(ix) This approval is valid for a period of three years within which time the Developer shall implement the project. The project implementation progress report will be submitted to Government of India every six months.

(x) This approval is liable is liable to be suspended in case of violation of any of the terms and conditions stipulated herein

(xi) The operation and maintenance of the facilities will be made as per the standards specified in the proposal and to the satisfaction of the users.

(xii) The Developer shall maintain adequate manpower to provide the facilities.

(xiii) The user charges will be finalized in consultation with the Development Commissioner and the users. This shall be subject to revision as per the agreed terms.

(xiv) The Developer shall obtain the approval of Board for specific activities proposed to be undertaken for development, operation and maintenance of Special Economic Zone. Based on the activities approved by the Board, the Developer shall be entitled for duty free import or domestic procurement of goods for the approved activities under rules 10 after the Special Economic Zone has been notified.

(xv) The authorized operations shall be carried out in terms of the parameters laid down in the Special Exconomic Zones Act, 2005 and the Rules and orders made there-under and in accordance with the proposal approved herein.

(xvi) No duty free goods shall be availble for personal use of ,or consumption by officials, workers, staff or owners of the Unit or Developer.

(xvii) Normally, no extension of validity period of three years for implementation of the project will be considered. Any request, however, may be considered by the Board, on merits. Such request shall be submitted to the Government six months before expiry of the approval period.

2. This approval shall be also subject to other conditions as approved by the Board as given in the Annexure to this letter.

3. The Developer may convery acceptance of all the terms and conditions indicated above within thirty days from the date of issue of this letter. All future correspondence may be addressed to the Deputy Secretary (SEZ), Department of Commerce Udyog Bhavan, New Delhi-11.

4. The Developer may send exact details of the area along with a map indicating the Special Economic Zone area certified by the District Revenue Authorities for notification in the Gazette of India.

5. The Developer shall furnish to the Development Commissioner--------Special Economic Zone area returns on import, procurement and utilization of goods, as provided for under the Special Economic Zone Rules, 2006.

Yours faithfully,
Deputy Secreary/Director
Department of Commerce

(FORMAT FOR LETTER OF APPROVAL FOR PROVIDING INFRASTRUCTURE FACILITIES IN SEZ)

(see rule 6)

No. -/SEZ
Government of India
Ministry of Commerce & Industry
Department of Commerce
(SEZ Section)

Dated the

TO,

Subject: Proposal for providing infrastructure facilities in Special Economic Zone at-----------------

Reference: Your proposal/s No.------------- dated-------------

Sir(s),

With reference to your above mentioned application, Government of India is pleased to approve your prosoal as Co-Developer for providing infrastructure facilities in the Spcial Economic Zone (SEZ)at village - District-------------- in the State of -------------- as per details given below:

(1) Name of the Co-Developer ----------------------

(2) Details of infrastructural facilities proposed to be provided:----------------------

2. Your Agreement dated---------------- entered into with the Developer/s of the aforestated Special Economic Zone for providing of infrastructure facilities or to undertake any authorised operations shall form part of this approval.

3. General Conditions:

(i) The Co-developer shall provide infrastructure facilities in the ------------ Special Economic Zone in terms of the Special Exconomic Zones Act, 2005 and the rules and the orders made there - under.

(ii) The Co-developer shall execute Bond-cum-Legal Undertaking as required under the Special Economic Zone Rules, 2006 for the authorised operations.

(iii) The Co-developer shall obtain the required approval from various statutory authorities undre relevant statutes and regulations of the Government of India and the State Government and local bodies.

(iv) The project shall be implemented and operated in terms of the Special Economic Zones Act, 2005 and the rules and orders made there-under.

(v) The Co-developer shall conform to environmental requirements.

(vi) The Co- developer shall abide by the local laws, rules, regulations or bye-laws in regard to area planning, sewerage disposal, pollution control, laws and the like as may be locally applicable.

(vii) The Co-developer shall raise the required funds for the facilities being created.. External commercial borrowing, if any, will be as the guidelines of the Ministry of Finance, Department of Economic Affairs, Government of India, New Delhi.

(viii) This approval is valid for a period of three years within which time the Co-developer shall create the approved facilities.The progress of implementation will be submitted to Government of India every six months.

(ix) This approval is liable to be suspended in case of violation of any the terms and conditions stipulated herein.

(x) The operation and maintenance of the facilities will be made as per the standards specified in the proposal and to the satisfaction of the users.

(xi) The Co-developer shall maintain adequate manpower to provide the facilities.

(xii) The user charges will be finalized in consultation with the Development Commissioner and the users. This shall be subject to revision as per the agreed terms.

(xiii) The Co-developer shall obtain the approval of Board for specific activities proposed to be undertaken for development operation and maintenance of Special Economic Zone. Based on the activities approved by the Board,the Co-developer shall be entitled for duty free import or domestic procurement of goods for the approved activities after the Special Economic Zone has been notified.

(xiv) The authorized operations shall be carried out in terms of the parameters laid down in the Special Economic Zones Act, 2005 and the rules and orders made there-under and in accordance with the proposal approved herein.

(xv) No duty free goods shall be available for personal use of, or consumption by officials, workers, staff or owners of the Unit or Developer.

(xvi) Normally, no extension of validity period of three years for implementation will be considered. Any request, however, may be considered by the Board, on merits. Such request shall be submitted to the Government six months before expiry of the approval period.

4. The approval shall be also subject to other conditions as approved by the Board as given in the Annexure to this letter.

5. The Co-developer may convey acceptance of all the terms and conditions indicated above within thirty days from the date of issue of this letter. All future correspondence may be addressed to the Deputy Secretary (SEZ),Department of Commerce Udyog Bhavan, New Delhi-11

6. The Co-developer shall furnish to the Development Commissioner, ---------Special Economic Zone returns on import, procurement and utilization of goods, as provided for under the special Economic Zone Rules, 2006.

Yours faithfully,
Deputy Secreary/Director
Department of Commerce

Form-D

BOND-CUM-LEGAL UNDERTAKING FOR DEVELOPER

(See sub-rule (5) of rule 12 and sub-clause (ii) of sub-rule (1) of rules 22)

We ------------ having our registered office at----------------here in after referred to as the Obligors (which expression shall, unless repugnant to the context or meaning thereof, include our heirs, successors, executors, administrators, liquidators, legal representatives and assignees) hereby hold and firmly bind ourselves jointly and serverally unto the President of India, acting through the Development Commissioner and the Specified Officer hereinafter referred to as 'the Government' in the sum of Rs.----------Rupees ---------------only) for which payment to be well and truly made, we, the obligors bind ourselves by these presents.

Whereas we,the obligors have been granted by the Government a Letter of Approval to develop, operate and maintain-------------Special Economic Zone or develop operate and maintain infrastrure facilities in -------------Special Economic Zone on the terms and conditions stipulated in the Letter of Approval number -------------dated --------------and we the obligors have duly accepted the said terms and conditions.

And whereas the Specified Officer has approved the place of storage of goods in ----------Special Economic Zone in terms of Special Economic Zone Rules, 2006 where in the dutiable goods, imported or sourced indigenously or sourced from other export oriented units, or software technology park units or electronic hardware technology park units or Special Economic Zone units in the same Special Economic Zone or other Special Economic Zone by us from time to time for the purposes of carrying out authorized operations availing exemptions from payment of duties taxes or cess or drawback and concessions under section 7 and 26 of the Special Economic Zone Act, 2005, could be deposited for a period of one year or such extended period as may be extended by the Specified Officer.

And whereas the Specified Officer has permitted the obligors to clear duty free imported goods from ports or airports or inland container depots or specified land custom stations or customs warehouses or international exhibition held in India, as the case may be, for admission into the special economic zone.

And whereas the Specified Officer has permitted the obligors admission of duty free imported goods and duty free goods procured from the domestic tariff area, hereinafter referred to as goods, into the special economic zone as provided under the Special Economic Zones Act, 2005 and the rules and orders made there-under.

And whereas the Specilfied Officer has permited provisional assessment of goods brought into the special economic zone by the above obligors from time to time which could not be finalized for want of full information as regard to value or description or quality or the proof thereof or for the non-completion of the chemical or other tests in respect thereof or otherwise as per request of the obligors.

NOW THE CONDITIONS OF THE ABOVE WRITTEN BOND-CUM-LEGAL UNDERTAKING ARE THAT:

1. We, the obligors shall observe all the provisions of the Special Economic Zones Act, 2005 and the rules and orders made there-under in respect of the said goods.

2. We, the obligors shall refund an amount equal to the benefits of exemptions, drawback, cess and concessions availed on account of the goods and services in terms of provisions of rule 25 of Special Economic Zones Rules 2006

3. We, the obligors, shall furnish to the Assistant Commissioner of Customs or Deputy Commissioner of Customs as the case may be, at port or air -port or inland container depot or land customs station or a warehouse evidence to his satifaction within a period of forty-five days from the date of dispatch from any warehouse or unit that the said goods have duly arrived in the Special Economic Zone.

4. We, the obligors shall be wholly and solely responisible for ensuring that there shall be no pilferage during transit of the said goods when dispatched from the place of import or the factory of manufacture or from the warehouse to the Special Economic Zone and vice versa and we, the obligors, shall pay the duty on pilfered goods, if any.

5. We, the obligors shall maintain detaild accounts of all goods imported or procured from the Domestic Tariff Area or consumed and utilized , in proper form, including of those remaining in stock and those sent temporarily outside the special Economic Zone in the Domestic Tariff Area under our obligation, and shall produce such accounts for inspection of the Spectific Officer or such other authorized officer.

6. We, the obligors shall, submit to the Developement Commissioner and the Specified Officer, quarterly and half yearly returns within a period of thirty days following the close of quarter/half year, as prescribed under the Special Economic Zone Rules, 2006.In case of wrong submission of such information or failure to submit such information within the stipulated time, the permission granted to us for carrying out the authorized operations may be withdrawn and/ or the permission for futher imports/domestic procurement and sales in the Domestic Tariff Area may be stopped.

7. We, the obligors shall fulfill other conditions Stipulated in the Special Economic Zones Act, 2005, Special Economic Zones Rules, 2006 and orders made there-under, as amended from time -to-time.

8. We, the obligors shall not change the name and style under which we, the obligors, are doing business or change the location except with the written permission of the Development Commissioner of --------------- Special Economic Zone.

If each and every one of the above conditions is duly complied with by us, the obligors, the above written bond -cum-legal undertaking shall be void and of no effect, otherwise the same shall remain in full force and effect and virtue.

It is hereby declared by us, the obligors, and the Government as follows-

1. The above wrrriten bond-com-legal undertaking is given for the performance of an act in which the public are interested.
2. The Government through the Specified Officer or any other authorized officer may recover the sums due from the obligors as provided for in condition 2 above.

And the President of India shall, at his option, be competent to make good all the loss and damages by endorsing his rights under the above written bond-cum-legal undertaking or both.

I/We futher declare that this bond-cum-legal undertaking is given under the orders of the Central Government in the performace of an act in which the public are interested.

In these presents the words imposing singular only shall also include the plural and vice versa where the context so requires.

In witness whereof these presents have been signed this day---------of --------20---here-in- before written by the obligor (s).

Place:
Date:
Signature of the Obligors
Name and Residential address
Witness (1) Address (1) Occupation (1)
(2) Address (2) Occupation (2)

Accepted for and on behalf of the President of India on-----day of--------20-----

Development Commissioner/Specified Officer
Signature and date
Name-----------
Designation-------------

Form---------E

FORMAT FOR QUARTERLY AND HALF-YEARLY-YEARLY REPORT FOR SEZ DEVELOPER/CO-DEVELOPER TO BE FURNISHED TO THE DEVELOPMENT COMMISSIONER

(See rules 12 and 22)

period------------

PERIOD OF REPORTING:QUARTERLY (APRIL-JUNE) (JULY-SEPTEMBER) (OCTOBER - DECEMBER) (JANUARY-MARCH) AND HALF-YEARLY (APRIL-SEPTEMBER AND OCTOBER-MARCH)

1. Name and address of the Developer/Co-developer
2. Letter of Approval No and date
3. Name and address of Developer/Co-Developer,
4. Details of authorized operations approved by the Board
5. Land
   (i) Total area proposed for development
   (ii) Area now in possession and future development plans
   (iii) Area earmarked for processing area
   (iv) Details of processing area developed.

6. (a)Details of imports or procurement of goods made for authorized operations from inception till last quarter/half -year (opening balance).
   (b)Details of imports or procurement of goods made for authorized operations during the current quarter/half -year.
   (c)Detail of consumption of goods imported or procured [(a)+(b)].
7. Details of goods (imported or procured) held in stock at the end of the quarter/half-year. (a)+(b)-(c)
8. Details of infrastructure developed:
   In the processing area
   In the non-processing area
9. Other details of progress of implementation of the project:

(SIGNATURE)
Developer/Co-developers(s)

CONSOLIDATED APPLICATION FORM for-

(See rule 17)

1. Setting up of units in Special Economic Zone;
2. Annual permission for sub-contracting;
3. Allotment of Importer Exporter Code Number;
4. Allotment of land/industrial in the Special Economic Zone;
5. Water Connection;
6. Registration-cum-Membershoip Certificate;
7. Small Scale Industries Registration;
8. Registration with Central pollution Control Board;
9. Power connection;
10. Building approval plan;
11. Sales Tax registration'
12. Approval from Inspectorate of factories;
13. Pollution control clearance wherever required;
14. Any other approval as may be required from the State Goverment.

1. The application should be submitted to the Development Commissioner of the concerned Special Economic Zone in 5 copies along with a crossed Demand Draft of rupees five thousand drawn in favour of the pay & Accounts Officer of the concerned Special Economic Zone together with a project report giving details of activities proposed.

For Official Use only

Application No. -----------------------
Date -----------------------

Details of Bank Draft

Amount Rs. ------------------------
Draft No. ------------------------
Draft date ------------------------
Drawn on ------------------------
(Name of the Bank)
Payable at -------------------------

PART-I

I. Name and full address of applicant firm/--------------------------------
Company (in block letters)
Registered Office in case of limited -------------------------------------
Company &Head Office for --
others) --
Pin code --
Tel. No--
Fax No --
Permanent E-mail Address ---
Web-Site, if any ---
Passport No, if any ---
Name of Bank with Address & Account No.-----------------------
Digital Signature --
Income Tax Pan--
(attach copy)

II. Constitution of the applicant firm: public Limited Company
[Tick (✔) the appropriate entry]
Private Limited Company
Partnership
Proprietor ship
Others (Please specify)

(Attach copy of Certificate of Incorporation alongwith Articles of Association and Memorandum of Association in case of companies and partnership deed in case of partnership firms.)

III. Nature of the industrial undertaking
i. Large scale
ii. Medium scale
iii. Small scale

IV. Name and complete address of each of the Directors /Partners/Proprietor, as the case may be with Tele phone numbers -----------------------------

V. **ITEM (S) OF MANUFACTURE/SERVICEACTIVITY**:
(Including By-Product/Co-products)
(If necessary, additional sheets may be attached)

Item (s) Description	Capacity (Unit=) (Not required for service unit)
------------------------	-------------------------------------
------------------------	-------------------------------------
------------------------	-------------------------------------

VI. INVESTMENT: (Rs. IN LAKHS
(a) Plant and Machinery
(i) Indigenous ---------------------------
(ii) Import CIF value ----------------------------
(iii) Total (i)+ii) -----------------------------
(b) Details of source (s) of finance

VII. Import and indigenous requirement of materials and other inputs:

(Value in Rupees)
Import Indigenous

a) Capital Goods
b) Raw material, components, consumables,
Packing material, fuel etc. for 5 years
(Give details in project report, namely list of Capital Goods, description of raw materials , and other inputs, etc).

TOTAL: ------------------------------

VIII. INFRASTRUCTURE REQUIREMENTS

1. Requirement of land: (Area in sq. mtrs.)
   i. factory & offices
   ii. warehousing/storage
   iii. Others, specify
2. Requirement of built-up area
3. Requirement of water (in kilo Litres)
   i. For industrial (process) purposes
   ii. For drinking purposes
   iii. Others, Specify
   iv. Total requirment
4. Effluent Treatment
   i. Quantum and nature of effluents and mode of disposal
   ii. Specify whether own Effluent Treatment plant will be created
5. Requirement of power (in KVA)

ix. EMPLOYMENT Men women

X. WHETHER FOREIGN TECHNOLOGY AGREEMENT IS ENVISAGAD
(Tick (✔)the appropriate entry)
Yes ----------------------------- No -----------------------------------

(i) Name and Full Address of foreign collaborator
(ii) Nature of collaboration
1. Equity participation including Foreign Investment

		(s in thousand)	(Rs. in lakhs)
(i)			
(a)	Authorized	-----------------------	------------------------
(b)	Subscribed	------------------------	-----------------------
(c)	Paid up Capital	-----------------------	------------------------

Note: If it is an existing company, give the break up of existing and proposed capital structure

(ii) Pattern of share holding in the paid-up capital (Amount in Rupees)

		(Rs. in lakhs)	(Us $ Thousand)
(a)	Foreign holding	--------------------	------------------------
(b)	Non Resident Indian Company/Individual holding		
(i)	Repatriable	----------------------	-------------------------
(ii)	Non-repatriable	----------------------	-------------------------
(c)	Resident holding	-----------------------	--------------------------
(d)	Total Equity	-----------------------	--------------------------
(e)	External commer cial Borrowing (give details)	------------------------	-------------------------

2. Technical collaboration
(furnish details in project report) (Gross of Taxes)

(a)	Lumpsum payment	
(b)	Design & Drawing fee	----------------------------
(c)	Payment to foreign technician	-----------------------------
(d)	Royalty (on exports)	--------------------------------
(e)	Royalty (on domestic tariff area sales if envisaged)	-------------------------------
(f)	Duration of agreement	----------(Number of years)

3. Marketing collaboration
(furnish details in project report)

XI. Foreign Exchange Balance sheet

Rs. In lakhs/s in thousand

	1st	2nd	3rd	4th	5th	Total	Total (5 years)
1. FOB value of exports in first five years							
2. * Foreign Exchange outgo on for the first five years							
3. Net Foreign Exchange earnings For the first five years (1)-(2)							

* Foreign exchang outgo shall include the CIF value of import of machinery, raw material, components, consumables, spares,packongb materials and amount of repatriation of dividends and profits, royalty, lumpsum Knowhow fee, design and drawing fee, payment of foreign technicians, payment on training of Indian technicians abroad, commission on export, interest on external commercial borrowings, interest on deferred payment credit and any other payments.

XII. OTHER INFORMATION

i) Whether the application has been issued any ---------------------------
Industrial license or LOI/LOA under EOU/SEZ/ -------------------------
STP/EHTP scheme. If so, --------------------------------
give full particulars, namely reference number,
date of issue, items of manufacture and
progress of implentation of each project.

ii) Whether the applicant or any of the ----------------------
Partner/Director who are also partners ----------------------
/Directors of another company or firms its
associate concerns are being proceeded
against or have been debarred from
getting any License /Letter of Intent/
Letter of Permission under Foreign Trade
(Development and Regulation) Act, 1992 or
Foreign Exchange Management Act, 1999 or
Customs Act, 1962 or Central Excise Act, 1944.

Place: Signature of the Applicant --------------------------
Date: Name in Block Letters --------------------------------
Designation -------------------------------
Official Seal/Stamp -------Tel. No. --------------------------
e-mail --------------------------
Web-Site, if any --------------------------
Full Residential Address ------------------------

UNDERTAKING

I/We hereby declare that the above statements are true and correct to the best of my/our knowledge and belief. I/We shall abide by any other condition. Which may be stipulated by the Development Commissioner . I/We fully understand that any Permission Letter/Approval granted to me/us on the basis of the statement furnished is liable to cancellation or any other action that may be taken having regard to the circumstances of the case if it is found that any of the statements or facts therein furnished are incorrect or false.

An affidavit duly aworn in support of the above information is enclosed.

Place: Signature of the Applicant --------------------------
Date: Name in Block Letters --------------------------------
Designation -------------------------------
Official Full Official address ----------------------------
Seal /Stamp Tel. No ----------------------------
e-mail Address ----------------------------
Web-Site --------------------------
Full Residential address ------------------------
Tel .No. ---------------------------

Note: Formats of application not given herein may be obtained from the Development Commissioner.

PART-II

If sub-contracting is envisaged in the manufacturing operations, furnish following details:

i. Sub- contracting permission is required for-
(a) Part of the production process (quantify)
(b) any particular production process (give details)

ii. Name and address and other particulars of sub-contractor and whether the sub-contractor is
(a) Domestic Tariff Area unit/Central Excise Registered or otherwise
(b) Other Special Economic Zone unit
(c) Export Oriented unit or Electronic Hardware Technology park unit Software Technology park unit.

(FORMAT FOR LETTER APPROVAL FOR UNIT) **Form---------G**

(See rule 19)

OFFICE OF DEVELOPMENT COMMISSIONER,
---------------SPECIAL ECONOMIC ZONE
DEPARTMENT OF COMMERCE GOVERNMENT OF INDIA

Dated the----------------------

Subject: Your proposal for setting up a unit in the Special Economic Zone
Reference: Your application No.-----dated------------

Dear Sirs,

With reference to the above mentioned application, Development Commissioner,-------------Special Economic Zone is pleased to extend to you all the facilities and entitlements admissible to a unit in a Special Economic Zone subject to the provisions of the Special Economic Zones Act, 2005 and the rules and orders made there-under and for the establishment of a unit at------- in the state of --------for undertaking authorized operations, namely, manufacture and rendering services including trading as under:

Authorized Operations

1. Items (s) of manufacture
2. Service activities:

This approval is subject to following terms and conditions:

(i) You shall export the goods manufactured/goods imported /procured for trading and services, including items of trading, as per provisions of the Special Economic Zones Act, 2005 and Rules made there-under for a period of five years from the date of commencement of production/service activities.For this purpose, you shall execute the Bond-cum-Legal Undertaking as prescribed under the Special Economic Zone Rules, 2006.

(ii) You shall fulfil the pollution control requirements, as may be prescribed by the Pollution Control authorities.

(iii) You shall positive Net Foreign Exchange (NFE)as prescribed in the Special Economic Zone Rules, 2006 for the period you operate as a Unit in the Special Economic Zone from the commencement of production, failing which you shall be liable for penal action under the Foreign Trade (Development and Regulation) Act, 1992.

(iv) You may import or procure from the Domestic Tariff Area all the items required for your authorized opertions under this approval, except those prohibited under the ITC (HS) Classifications of Export and Import items.

(v) You may supply /sell goods or services in the Domestic Tariff Area in terms of the provisions of the Special Economic Zones Act, 2005 and rules and orders made there-under.

(vi) This Letter of Approval is valid for a period of one year from its date of issue. You shall implement the project and commence production within one year period or within such period as may be extended.

(vii) Date of commencement of production shall be intimated to the Development Commissioner.

(viii) This Letter of Approval shall be valid for a period of five years from the date of commencement of production.

(ix) The approval is based on the details furnished by you project proposal/application.

(x) You shall abide by the provisions of Special Economic Zones Act,2005 and the rules and orders made there-under.

(xi) You have the option to renew the approval or exit in terms of the provisions of the Special Economic Zones Act, 2005 and the rules and orders made there-under.

(xii) You shall confirm acceptance of the above terms and condition to the Development Commissioner within forty-Five days of issue of this Letter of Approval.

(xiii) If you fail to comply with the conditions stipulated above, this Letter of Approval shall be cancelled as per the provisions of the Special Economic Zones Act,2005 and the rules and orders made there-under.

(xiv) All future correspondence including for amendments/changes in terms and conditions of the Letter of Approval or for extension of its validity shall be addressed to the Development Commissioner.

Your faithfully,
Development Commissioner
---------------SEZ

Copy forwarded to:
Asstt Commissioner/Deputy Commissioner/Joint Commissioner(Custom)-------Special Economic Zone

Form-H

BOND-CUM-LEGAL UNDERTAKING FOR SPECIAL ECONOMIC ZONE UNIT.
(See rule 22)

A bond-cum-legal undertaking made this---------------day of -----------------20----- between M/s. ---------------------------(legal status i.e. a.company or firm), a unit in a Special Economic Zone (SEZ) having its registered office at---------------- and factory/ service unit at-------------(hereinafter referred to as "the obligors" which expression shall, unless repugnant to the context or meaning thereof, include its heirs, successors, executors, administrators, liquidators, legal representatives and assignees) hereby hold and firmly bind ourselves jointly and severally unto the President of India acting through the Development Commissioner of --------------------Special Economic Zone and Specified Officer (herein after jointly referred to as "Government") in the sum of Rs .------------------(Rupees ------------only) for which payment to be well and truly made, we, the obligors, bind ourselves by these by these presents.

Whereas the Development Commissioner has issued Letter of Approval No.--------------- dated ---------------------to the obligors, containing the terms and conditions for setting up and operating the unit in the Special Economic Zone, including the requirement of achieving positive Net Foreign Exchange Earning as provided under the Special Economic Zone Rules, 2006 and orders made there-under, hereinafter referred to as the rules, and the obligors have duly accepted the terms and conditions of the said Letter of Approval, vide their letter No.-----------------dated------------------

And whereas we, the obligors have been authorized the use of the premises, namely, -------------------------------in the -----------------Special Economic Zone wherein dutiable goods, imported or procured from Domestic Tariff Area or procured from Export Oriented units or Software Technology park units or Electronic Hardware Technology park units or Special Economic Zone units in the same Special Economic Zone or other Special Economic Zone for the purpose of carrying out the authorized operations, hereinafter referred to as the goods availing exemption from payment of duties taxes or cess or cess or drawback and concessions under sectins 7 and 26 of the Special Ecnmic Zones Act, 2005 could be admitted and deposited for a period which is co-terminus with the validity period of Letter of Approval.

And whereas the obligors can clear duty free imported goods from ports or airports or inland container depots or specified land custom stations or customs warehouse or international exhibitions held in India as the case may be, admission into the Special Economic zone.

And whereas the obligors may remove the goods or goods manufactured or services, without payment of duty and dispatch the same by air or sea or rail or road or courier or post for export to foreign countries or supply to other export oriented units or to electronic hardware technology park units or to software techonology park units or to units in the same or other Special Economic Zone, without payment of duty.

And whereas the obligors have been permitted to remove the said goods or goods partially manufactured or processed there-from to any other place in the Domestic Tariff Area without payment of duty for the purpose of sub-contracting or test or repair or calibration or re-engineering or re-conditioning or display and to be returned to the unit thereafter as per the provisions of the Special Economic Zones Act, 2005 and rules and orders made there-under.

And whereas the Specified Officer has permitted provisional assessment of goods brought into the special economic zone or manufactured by the obligors from time to time which could not be finalized for want of full information as regard to value or description or quality or the proof thereof or for the non-completion of the chemical or other tests in respect thereof thereof or otherwise at request of the obligors.

NOW THE CONDITIONS OF THE ABOVE WRITTEN BOND-CUM-LEGAL UNDERTAKING ARE THAT:

1. We, the obligors shall abide by all the provisions of the Special Economic Zones Act, 2005 and the rules and orders made there-under in respect of the goods for authorized operations in the Special Exconomic Zone.
2. We, the obligors shall pay on or before a date specified in a notice of demand, all duties chargeable on the goods not removed on termination of validity here-in-stated- above of the Letter Approval.
3. We, the obligors shall furnish to the Asstt. Commissioner of Customs or Dy. Commissioner of Customs, as the case may be, at port or air-port or inland container depot or land customs station or warehouse evidence to his satifaction within a period of forty-five days from the date of dispatch from any warehouse or unit that the said goods have duly arrived in our unit in the Special Economic Zone.
4. We, the obligors shall be wholly and solely responsible for ensuring that there shall be no pilferage during transit of the said goods when dispatched from the place of import or the factory or the factory of manufacture or from the warehouse to the unit in the Special Economic Zone and vice versa and we, the obligors, shall pay the duty on pilfered goods, if any.
5. We, the obligors shall maintain accounts of all goods imported or procured from the Domestic Tariff Area or consumed and utilized, in proper form, including those remaining in stock and those sent temporarily out side the Special Economic Zone in the Domestic Tariff Area under our obligation and shall produce such accounts for inspection of the Specified Officer or Authorized Officer.
6. We, the obligors shall intimate the date of commencement of the production/service activities for export within one month of such date to the Development Commissioner.
7. We, the obligors shall, after the commencement of production or service activities, submit to the Development Commissioner and the Specified Officer, Annual performance Return within a period of ninety days following the close of financial year, in the form prescribed under the Special Economic Zone Rules, 2006, certified by a Chartered Accountant. In case of wrong submission of such information or failure to submit such information within the stipulated time, the permission granted to us for carrying out the authorized operations may be withdrawn and/or the permission for futher imports and sales in the Domestic Tariff Area may be stopped.
8. We, the obligors shall achieve positive Net Foreign Exchange Earning and shall fulfill other conditions stipulated in the Letter of Approval and in case of failure to achieve the said positive Net Foreign Exchange Earning, except when the fulfillment of such conditions is prevented or delayed because of any law & order, proclamation or regulation or ordinance of the Government ,we shall be liable for penal action under the provisions of the Foreign Trade (Development and Regulation) Act, 1992.
9. We, the obligors shall pay the duties on the goods and services sold in Domestic Tariff Area in terms of Special Economic Zone Act, 2005 and the rules and orders made there-under.
10. We, the obligors shall refund an amount equal to the benefits of exemptions, drawback, cess and concessions availed on account of the goods and services in terms of provisions of rule 25 of Special Economic Zones Rules 2006.
11. We, the obligors shall not dispose of goods and services admitted into the Special Economic Zone or goods manufactured or services to the Domestic Tariff Area except as provided under Special Economic Zones Act, 2005 and the rules and orders made there-under.
12. We, the obligors shall comply with the conditions and limitations stipulated in the rules on temporary removal of goods to the Domestic Tariff Area, without payment of duty, for the purposes of sub-contracting or test or repairs or reconditioning or processing or display.
13. We, the obligors shall not change the name and style under which we, the obligors are doing business or change the location of the manufacturing premises except with the written permission of the Development Commissioner.
14. We, the obligors shall intimate any changes in the Board of Directors/Partners, telephone No., E-mail address, web-Site, pass port No., Bank Address and Factory address, forthwith, to the Development Commissioner and Specified Officer
15. The Government through the Specified Officer or any other authorized officer may recover the sums due from the obligors as provided for in condition 2 above.

Provided that the President of India shall, at his option, be competent to make good all the loss and damages from the amount of the bond or by endorsing his rights under the above written bond or both.

16. Any other order issued by the Central Government in this regard shall be final and binding and we,the obligors hereby undertake to comply unconditionally with such an order.

17. We, the obligors shall be bound by the changes, if any, made in the provisions of the Secial Economic Zones Act, 2005 and rules.

18. Any stamp duties payable on this document or any document executed there-under shall be borne by us.

If each and every one of the above conditions is duly complied with by us, the obligors,the above written bond-cum-legal undertaking shall be void and of no effect otherewise the same shall remain in full force and effect and virtue.

It is hereby declared by us, the obligors, and the Government as follows:

1. The above written bond-cum-legal undertaking is given for the performance of an act in which the public are interested.

In these presents the words imposing singular only shall also include the plural and vice versa where the context so requires;

IN WITNESS WHEREOF these presents have been signed this day------------------of-----------20--- hereinbefore written by the obligor(s).

Place:

Date: Signature of the obligor

Name and Residential address

Witness (1) Address(1) Occupation (1)

(2) Address (2) Occupation (2)

Accepted for and on behalf of the president of India on------------day---20-----------

Signature and date	Signature and date
Name-------------	Name-------------------
Development Commissioner/ Joint/Deputy Development Commissioner	Jt./Dy/Asstt. Commissioner of Customs

Form-1

ANNUAL PERFORMANCE REPORT FOR UNITS

(See rule 22)

Period----------

PERIOD OF REPORTING:ANNUAL (APRIL-MARCH)

1. Name of the Unit
2. Item of manufacture/service activity.
3. **EXPORT (INFLOW)** **(Rs in Lakhs)**
   a) FOB value of exports for the Year (indicate items of exports)
   b) Cumulative value of exports for the five year period.
   c) Countries of exports
4. **IMPORT(OUTFLOW)** **(Rs in Lakhs)**

   A. Raw materials & other inputs utilized.

   (a) Opening balance of imported raw materials, consumables, components, packing materials etc.,

   (b) CIF value of raw materials, consumables, components, packing materials etc, imported during the year

   (c) Cumulative value of raw materials, consumables, components, packing ,materials etc.

   (d) Value of imported raw materials, consumables, components,packing materials etc. or finished goods /services received from other units in SEZs/EOUs/ EHTPs/STPs during the year

   (e) Total (c+d)

(f) value of imported raw materials, consumables, components, packing materials etc., or finished goods/services transferred to other units in SEZs/EOUs/EHTP/STP during the year

(g) Closing balance of imported raw materials,consumables components packing materials etc.

(h) Value of imported raw materials, consumables components, packing materials etc.actually consumed during the year {(e)-[f+g]}

B. Capital goods

(i) year -wise CIFvalue of capital goods imports & spares till end of the year under report.

(ii) Value of imported Capital goods and spares received from other units in SEZ/EOU/EHTP/STP during the year

(iii) Total (i)+(ii)

(iv) Value of imported Capital goods, and spares transferred to other units in SEZ/EOU/EHTP/STP during the year

(v) Total value of imporetd capital goods and spares during the year. (iii)-(iv)

(vi) Proportionate amortized value of imported capital goods taken for NFE calculations as per rule----- of Special Economic Zone Rules, 2006

5. Other outflow of Foreig Exchange (Royalty technical know -how fee, repatriation of Dividend/profits, Payment of sales Commission, Interest on overseas borrowings, etc.) during the year

6. Total outflow [4.A(h)+4.B.(vi)+5]

7. Net Foreign Exchange Earning for the year [3 (a)-6]

8. Net Foreign Exchange Earning position at end of previous year.

9. Cumulative Net Foreign Exchange Earning for the five year period [7+8]

Note: For details of calcuation of NFE, please refer to rule-----------

Part-II

Value (Rs.in lakhs)

1. **DTA SALES**

(a) Sale of finished goods/services

(b) Sales of rejects

(c) Sale of by product

(d) Sale of Waste/Scrap/Remnant

2. Capital struture of the enterprise

A. i) Authorised capital

ii) Paid up capital

B. Overseas investments:	**FDI**	**NRI**
a) Approved		
b) Aetual Inflow during the year		
c) Cumulative actual investment for 5 years		

3. Employment:	**Male**	**Female**
4. Investment in the Zone:	(Rs. In lakhs)	
(a) Building	------------------------	
(b) Plant and Machinery	--------------------------	
(i) Indigenous	--------------------------	
(ii) Import CIF value	-------------------------	
(iii) Total (i)+(ii)	--------------------------	

5. OTHER INFORMATION:

1) **External commercial borrowing**

External commercial borrowing pending at the end of last year

(a) Less than three years Amount in $

(b) More than three years -do-

2) Cases pending for foreign exchange realization, if any

Date export

Name of importer

Address

Amount

(SIGNATURE)
with seal of Co..

Note: The information given in the formats for APRs should be authenticated by the authorized signatory of the unit and certified by a Chartered Accountant.

Form-J

FORM FOR APPEAL

(See rule 55)

FOR OFFICIAL USE

1. Name of the Appellant Date -----------------
2. Address:

3. Name and address of the authority, Whose decision or order is brought up in appeal
4. Brief of the decision against which Appeal is made
5. Reason as to why the decision needs review 1. 2. 3.
6. Any other remarks

Place: Signature of the Appellant: ------------------------------
Date: Name in Block Letters: ------------------------------
Designations: -------------------------------
Tel. No: -------------------------
E-mail Address: --------------------------
Fax: ----------------------------

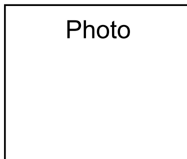
Documents to be enclosed with the appeal:

1. Copy of the decision/rejection letter

Demand Draft of Rs. 2,500/- in favour of pay and Accounts Officer, Department of Commerece, New Delhi.

Permanent Identity Card

(See rule 70)



Serial No. Date of Issue
Valid upto

1. a. Name of the Unit (in case of Permanent Photo pass)
   b. Name of the Contractor (in case of temporary photo pass)
2. Name of the pass Holder
3. Designation

Signature of Development Commissioner,------------------------

Instructions

1. This pass should be worn and displayed on the person of the pass holder while inside the Zone.
2. This pass is not transferable.
3. This pass shall be produced no demand by-------------Security and Customs staff.
4. The pass holder and his vehicle are liable for Security Check at the -------------gate.
5. The loss of this pass shall immediately be reported to the Security Officer,--------------
6. This pass shall be surrendered to the Security Officer,---------------through the unit/Contractor on expiry or on the person becoming ineligible for a pass.

ANNEXURE-I

(See Rule 54)

GUIDELINES FOR ANNUAL MONITORING OF PERFORMANCE OF UNITS IN SPECIAL ECONOMIC ZONES

1. The annual review of performance of unit and compliance with the conditions of approval shall be undertaken by Approval Committee on the basis of Annual Performance Report (in Form I) duly certified by an independent Chartered Accountant before the end of the first quarter of the following financial year.
2. Units, which have not completed one year of operation from the date of commencement of production, will not be monitored. In case a Unit has completed less than five years from the date of commencement of production of production , it will be monitored for the number of completed years. Annual monitoring in the cases of old units which have completed more than five years will be undertaken for only such number of which fall in the subsequent block/s of five years.

CRITERIA FOR ANNUAL MONITORING:

I. Unitsa with negative Net Foreign Exchange in the 1st and 2nd year shall be placed under the Watch List to watch their performance.

ii. Show Cause Notice:If a Unit continues to be Net Foreign Exchange negative by the end of 3rd year, a show Cause Notice shall be issued. If the negative performance continues till 5th year, Development Commissioner shall initiate penal action as provided under the rule-25.

ANNEXURE II

(See sub-rule (3) of rule 5)

Serial Number	Name of the State	Sector	Minimum Area
1.	Andhra Pradesh	Information Technology	6 hectares
2.	Delhi	Information Technology	6 hectares
3.	Gujarat	Apparel	38 hectares
		Pharmaceuticals	48 hectares
4.	Haryana	Information Technology	3 hectares
5.	Jharkhand	Automobiles and components	36 hectares
6.	Karnataka	Information Technology	4 hectares
7.	Kerala	Information Technology	9 hectares
		Food processing	12 hectares
8.	Maharashtra	Pharmaceuticals and biotechnology	21 hectares
9.	Madhya Pradesh	Information Technology	8 hectares
10.	Punjab	Pharmaceuticals	32 hectares
11.	Tamil Nadu	Footwear	60 hectares
12.	West Bengal	Lether Products	44 hectares

[F.No.F. 1(7)/2005-EPZ]

RAHUL KHULLAR, Jt Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 50

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 48 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 31ನೇ ಮೇ 2006

2006ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR 176 (E) [Notification No. F.No.2-8/2004-NS-II, ದಿನಾಂಕ: 23.3.2006 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF FINANCE
(Department of Economic Affairs)
NOTIFICATION
New Delhi, the 23rd March, 2006

G.S.R.176(E).- In exercise of the powers conferred by section 15 of the Government Savings Banks Act, 1873 (5 of 1873), the Central Government hereby makes the following rules to further amend the Senior Citizens Savings Scheme Rules 2004, namely:-

1. (1) These rules may be called the Senior Citizens Savings Scheme (Amendment) Rules, 2006

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Senior Citizens Savings Scheme Rules, 2004, for rule 11, the following shall be substituted, namely:-

"11. Transfer of account from one deposit office to another.- A depositor may apply in Form-G, enclosing the pass-book thereto, for transfer of his account from one deposit office to another:

Provided that where the deposit is rupees one lakh or above, a transfer fee of rupees five per lakh of deposit for the first transfer and rupees ten per lakh of deposit for the second and subsequent transfers shall be payable".

[F.No.2-8/2004-NS-II]
P.C. SINGH, Under Secy.

Note:- The Senior Citizens Savings Scheme Rules, 2004 were published in the Gazette of India (Extraordinary) vide notification number G.S.R. 490(E), dated: 2nd August, 2004 and subsequently amended vide No. GSR. 706 (E) dated: 27th October, 2004.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ರಿಚಾರ್ಡ್ ಲೋಬೋ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 51

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 53 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 31ನೇ ಮೇ 2006

2006ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 6ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR 144 (E) [Notification No. F.No.A-11013/47/2003-AT, ದಿನಾಂಕ: 6.3.2006 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF PERSONNEL, PUBLIC GRIVANCES AND PENSION
(Department of Personnel and Training)
NOTIFICATION
New Delhi, the 6th March, 2006

G.S.R.144(E).- In exercise of the powers conferred by clause (c) of Section 36 of the

1. Short title and commencement.- (1) These rules may be called the Administrative Tribunals (Procedure for appointment of Vice-Chairmen and Members) Rules, 2006.

(2) They shall come into force on the date of its publication in the Official Gazette.

2. Definitions.- In these rules, unless the context otherwise requires,-

(a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985);

(b) "Tribunals" means the Central Administrative Tribunal in relation to the Central and the State Administrative Tribunals in relation to a State.

3. Composition of Selection Committee.-

(1) For selection of Vice-Chairmen and Members of Central Administrative Tribunal.- There shall be a Selection Committee for the purpose of the Selection of the Vice-Chairman and Members in the Central Administrative Tribunal consisting of the following:-

(i) Sitting Judge of the Supreme Court nominated by the Chief Justice of India, Chairman;
(ii) Chairman, Central Administrative Tribunal;
(iii) Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training); and
(iv) Secretary, Government of India, Ministry of Law and Justice (Department of Legal Affairs).

(2) For Selection of Vice-Chairman and Members of State Administrative Tribunals.- There shall be a Selection Committee of the concerned State Government for the purpose of selection of the Vice Chairman and Members of the concerned State Administrative Tribunal consisting of the following:

(i) Chief Justice of the High Court of the concerned State, Chairman;
(ii) Chief Secretary of the concerned State Government;
(iii) Chairman of the State Administrative Tribunal of the concerned State; and
(iv) Chairman of the State Public Service Commission of the concerned State.

4. Vacancies.- The anticipated vacancies of Vice-Chairmen and Members shall be placed before the Selection Committee for a block of six months i.e., January to June and July to December of each calendar year. The Chairman of the Administrative Tribunal concerned shall indicate the number of vacancies of the Vice-Chairman and the Members to be filled from the judicial stream and the administrative stream respectively whereupon the procedure to fill up the vacancies, accordingly, shall be initiated by the Department of Personnel and Training of the Central Government or the Department concerned of the State Government, as the case may be.

5. Procedure for inviting/processing of candidatures.- (1) Central Administrative Tribunal-

(i) The Selection Committee shall devise its own procedure or lay guidelines for inviting applications as also for the selection of the Vice-Chairman and the Members of the Central Administrative Tribunal.
(ii) The Selection Committee shall recommend persons for appointment as the Vice-Chairman and Members from amongst the persons on the list of candidates prepared by the Ministry of Personnel, Public Grievances and Pensions, after writing to the various cadre controlling authorities.
(iii) The Central Government shall, after taking into consideration the recommendations of the Selection Committee, and in consultation with the Chief Justice of India in accordance with the provision contained in sub-section (7) of section 6 of the said Act, make a list of persons for appointment as the Vice-Chairman and Members of the Central Administrative Tribunal.

(2) State Administrative Tribunal-

(i) The Selection Committee of the concerned State Government shall devise its own procedure or lay down guidelines for inviting applications as also for the selection of the Vice-Chairman and the Members of the Administrative Tribunal of the State Government concerned.

(ii) The Selection Committee shall recommend persons for appointment as the Vice-Chairman and Members from amongst the persons on the list of the candidates prepared by the chief Secretary or Secretary, General Administration Department or Personnel Department of the State Government after writing to the various cadre controlling authorities of the State.

(iii) The State Government shall, after taking into consideration the recommendations of the Selection Committee, make a list of persons selected and send the same with its recommendations to the Central Government who will in consultation with the Chief Justice of India in accordance with the provision contained in sub-section (7) of section 6 of the said Act, appoint the Vice-Chairman or Members of the Administrative Tribunal of the State Government concerned.

6. Meetings of the Selection Committee.- (1) The Selectio0n Committee shall normally hold its meetings at New Delhi in the case of the Central Administrative Tribunals and at the State capital of the State concerned in the case of the State Administrative Tribunal or at such place or places, as may be authorized by the Chairman by recording the reasons for the change of the venue of such meetings.

(2) The Notice/Agenda, as the case may be, for the meeting of the Selection Committee shall be issued in advance. The date and venue for the meeting shall be fixed with the convenience of the Chairman of the Committee.

(3) The minimum quorum for the meeting shall be the Chairman and at least, one other Member.

7. Criteria for Selection.- Merit in terms of suitability and not seniority shall be the sole criterion in the matter of filling up the post of the Vice-Chairman from amongst the Members of the Addinistrative Tribunals.

8. Consultation with the Chief Justice of India.- (1) The recommendations of the Selection Committee shall be placed before the Chief Justice of India for his views.

(2) The recommendations of the Selection Committee, together with the views of the Chief Justice of India shall be submitted to the competent authority for orders.

[F.No.11013/47/2003-AT]
R. RAMANUJAM, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ರಿಚಾರ್ಡ್ ಲೋಬೋ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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